



OHCHR INDIGENOUS PEOPLES AND MINORITIES SECTION NEWSLETTER

OHCHR

- INFORMATION ON OHCHR ACTIVITIES -

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I. INDIGENOUS PEOPLES

NEW ZEALAND: REGIONAL CONSULTATION WITH NATIONAL HUMAN RIGHTS INSTITUTIONS

The Indigenous Peoples and Minorities Section (IPMS) organized jointly with the New Zealand Human Rights Commission a consultation on “*The operationalization of the UN Declaration on the Rights of Indigenous Peoples by national human rights institutions*” to discuss, inter alia, the proposal by the Asia Pacific Forum of National Human Rights Institutions (APF) and OHCHR to produce a practical guide for National Human Rights Institutions (NHRIs) worldwide on the UN Declaration.

The meeting took place in Auckland from 1-3 December 2010 and brought together selected NHRIs and indigenous representatives from 14 countries of Asia and the Pacific. In addition to providing an opportunity to identify good practices and examine how indigenous peoples’ participation is ensured in different international processes, the meeting also discussed the possible content of the operational guide for NHRIs.

The meeting was conceived as the beginning of a process and will be followed by additional consultations organized by OHCHR in the course of the year to secure the full participation of various actors, including NHRIs and indigenous peoples’ representatives, in the elaboration of the Guide.

REGIONAL CONSULTATION FOR OHCHR FIELD PRESENCES IN NICARAGUA

IPMS organized a regional consultation for its field presences in the Latin America region in Nicaragua (15-16 December 2010).

The objective of the consultation was to develop a shared understanding of the challenges indigenous peoples face in the exercise of their rights in the region. It also aimed at reviewing current capacities and tools of OHCHR to further develop engagement strategies to address these challenges. During the course of the consultation issues pertaining to free, prior and informed consent were discussed, as well as the meaning that is to be attached to 'consultations' with indigenous peoples. Indigenous systems of justice/jurisdiction and formal justice systems were also highlighted in the debate.

The participants agreed at the meeting that IPMS will work on a knowledge management tool which will involve the compilation of publications, existing legislation and Treaty Bodies’ comments and conclusions and Special Rapporteurs’ findings, and OHCHR and other actors contributions on the issues of consultation, and free prior and informed consent.

IPMS will also provide support by developing policy guidance on issues related to consultations, and indigenous systems of justice.

MEETING: INDIGENOUS PEOPLES AND FORESTS

IPMS participated in the UN International Expert Group Meeting on Indigenous Peoples and Forests in New York (12-14 January 2011), organized by the Permanent Forum on Indigenous Issues.

The themes of the expert group meeting focused on international standards relevant to indigenous peoples and forests; case studies on the positive and negative effects of development within forest areas; factors that enable or obstruct indigenous peoples’ participation in decision making; and human rights and corporate responsibility.

In addition to the expert meeting, IPMS held joint meetings with project partners ILO and UNDP and others to discuss various aspects of operationalising the UN Indigenous Peoples Partnership (UNIPP).

PARLIAMENTS, INDIGENOUS PEOPLES AND MINORITIES

IPMS participated in the International Parliamentary Conference "Parliaments, minorities and indigenous peoples: Effective participation in politics" organized by the Inter Parliamentary Union, in collaboration with OHCHR, between 31 October and 3 November 2010 in Tuxtla Gutiérrez, Mexico.

The outcome of the conference, the Chiapas Declaration is available at: www.ipu.org/splz-e/chiapas10/declaration.pdf

SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

Reports

On 18 October 2010, the SR presented his second annual report at the 65th session of the UN General Assembly in New York. The SR informed on his activities over the past year and discussed three key issues of the report: the right of indigenous peoples to development with culture and identity, their right to participation, and the obligation of States to implement the UN Declaration on the Rights of Indigenous Peoples.

On 13 January 2011, the SR presented his report on the situation of Sami people in the Sápmi region of Norway, Sweden and Finland. In his report, the SR notes the important attention placed by these countries to indigenous issues, but calls for further efforts to ensure that the Sami people can pursue their self-determination and develop their common goals as a people living across more than one State, as well as enjoy the full range of rights guaranteed in contemporary international instruments. Both reports are available on the SR OHCHR webpage indicated below.

Country visits

The SR visited the Republic of Congo from 2 to 12 November 2010. The objective of his visit was to examine the situation of indigenous peoples that represent about 10% of the total population of the country and live mainly in its remote areas.

The SR will conduct his first visit to New Caledonia (6-13 February 2011) to assess the human rights situation of the Kanak indigenous people.

Press releases

The SR issued a statement on his concerns regarding the Rapa Nui people. (12 January)

The SR praised the announcement of the United States' support for the UN Declaration on the Rights of Indigenous Peoples. For Mr. Anaya, this decision represents an important "development for Native Americans and all those who seek greater protection for human rights across the globe." (17 December)

Other news

The personal webpage of the Special Rapporteur has been redesigned and it now offers a 'by country' search and other features: <http://unsr.jamesanaya.org>.

More information: <http://www2.ohchr.org/english/issues/indigenous/rapporteur>.

II. MINORITIES

FORUM ON MINORITY ISSUES

The 3rd session of the Forum on Minority Issues took place from 15 to 16 December 2010 in Geneva. It was opened by the UN High Commissioner for Human Rights, Ms. Navi Pillay, and the President of the Human Rights Council, H.E. Mr. Sihasak Phuangkitkeow, and chaired by Ms. Gita Sen, Professor at the Indian Institute of Management in Bangalore, India, and Adjunct Professor at the Harvard School of Public Health.

Guided by the Independent Expert on Minority Issues, Ms. Gay McDougall, the Forum focused on "minorities and effective participation in economic life." Consistent with the contents of the note submitted by the Independent Expert (A/HRC/FMI/2010/2) the Forum examined the proposition that economic exclusion is a cause, a manifestation and a consequence of discrimination against persons belonging to minorities. The Forum brought together over 600 participants representing UN agencies, Governments, and civil society. The outcome of their discussions were captured in action oriented recommendations, available on the [Forum webpage](#), the implementation of which will increase effective participation of minorities in economic life.

During the Forum, OHCHR organized a side event entitled "Economic, social and cultural rights and the application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities". Panellists contributing to the event were Ms. Magdalena Sepúlveda Carmona, Independent Expert on human rights and extreme poverty, Ms. Julie Ringelheim, Senior Researcher, University of Louvain, Belgium, Mr. Marcelo Jorge de Paula Paixão, Professor, Federal University of Rio de Janeiro, Brazil, and Mr. Joern Geisselmann, Programme Coordinator, China Culture and Development Partnership Framework.

Oral statements delivered at the Forum as received by participants are available at http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2010.htm.

More information on the 3rd session of the Forum: <http://www2.ohchr.org/english/bodies/hrcouncil/minority/session3.htm>.

UN VOLUNTARY FUND FOR INDIGENOUS POPULATIONS

The 24th session of the Board of Trustees of the UN Voluntary Fund for Indigenous Populations will take place from 7 to 11 February 2011 in Geneva.

In addition to considering the received applications, the board will also discuss the extension of the mandate of the Fund to cover indigenous participation in the Human Rights Council and Treaty Bodies' sessions, approved by the General Assembly in November 2010.

More information:

<http://www2.ohchr.org/english/about/funds/indigenous/>

UN VOLUNTARY FUND FOR CONTEMPORARY FORMS OF SLAVERY

The 15th session of the Board of Trustees of the UN Voluntary Fund on Contemporary Forms of Slavery took place from 6 to 10 December 2010 in Geneva.

A list of the NGO project proposals selected by the Board and the amounts that were approved for their projects is published on the website of the Fund.

More information:

<http://www.ohchr.org/EN/Issues/Slavery/Pages/SlaveryFundMain.aspx>

INDEPENDENT EXPERT ON MINORITY ISSUES

Country Visits

The Independent Expert on minority issues will conduct a mission to Rwanda from 31 January to 7 February 2011. Her mission marks the first visit to the country by an independent expert mandated by the UN Human Rights Council. Before the mission, the Independent Expert stated that she will examine the situation of different population groups reflecting the ethnic, religious and linguistic diversity in Rwanda.

Independent Expert speaks before the UN General Assembly's Third Committee

The Independent Expert addressed the Third Committee of the UN General Assembly on 20 October 2010. In her address, she stressed that early attention to minority issues and minority rights violations is a key tool for stability and conflict prevention, which would contribute "to the culture of prevention within the United Nations, save countless lives and promote stability and development." In view of this, greater and earlier attention to the concerns of minorities and better implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities by States world-wide are the key recommendations of her report.

IE statement: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10471&LangID=E>

RECENTLY PUBLISHED: BOOKLET PROMOTING THE MINORITIES DECLARATION

OHCHR IPMS published a booklet promoting the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The booklet, currently available in English, Spanish, and French, is aimed at the general public and it breaks down the individual articles of the Declaration in order to promote its essence and render the implementation of its provisions easier. The booklet is available online at the OHCHR webpage.

English language: <http://tinyurl.com/booklet-ENG>

Spanish language: <http://tinyurl.com/booklet-SPA>

French language: <http://tinyurl.com/booklet-FRA>

III. COMMON ACTIVITIES

FELLOWSHIP PROGRAMMES

Indigenous Fellowship Programme

The Russian language Indigenous Fellowship Programme took place from 8 to 26 November at the Peoples' Friendship University of Russia (PFUR) in Moscow and from 29 November to 17 December at OHCHR Geneva. Eight fellows from the Russian Federation representing the Telengit, Soyot, Evenk, Nivkh, Nenets, Saami, Kumandin and Ulch communities participated in the programme.

In 2011, the Indigenous Fellowship Programme will enter into the first phase of its reform. For the first time, the four linguistic components (i.e. English, Spanish, French and Russian) of the Indigenous Fellowship will take place jointly in Geneva for 4 to 5 weeks. Part of the programme will also coincide with the 4th session of the Expert Mechanism on the Rights of Indigenous Peoples. The calls for applicants for the 2011 Indigenous Fellowship Programmes are closed and the selection processes are underway. Only pre-selected candidates will be contacted and the names of the final participants will be posted on our website by the end of March 2011.

Please note that the calls for applications for the 2012 Indigenous Fellowship Programmes (4 linguistic components) will be posted on our website by the end of March / beginning of April 2011. For more information, please consult:

<http://www2.ohchr.org/english/issues/indigenous/fellowship.htm>

Minority Fellowship Programme

The Arabic language Minority Fellowship Programme took place from 22 November to 17 December at OHCHR Geneva. Five fellows from Iraq (2), Yemen, Saudi Arabia and Egypt benefited from the programme and took part in the 3rd session of the Forum on Minority Issues.

In 2011, the fellowship programme will enter into the first phase of its reform. Both language components of the programme will for the first time take place at the same time - from 14 November to 16 December 2011 at OHCHR Geneva. The call for English language applicants is closed and the selection process ongoing, while the call for applications for Arabic language candidates will be launched by March 2011. For more information, please consult <http://www2.ohchr.org/english/issues/minorities/fellowprog.htm>.

Indigenous and Minorities Senior Fellowship Programme

Both fellowship programmes will offer a Senior Fellow position for the first time in 2011. The senior fellow will work with the OHCHR IPMS for three months, further building his/her expertise on indigenous or minority issues. A call for applications will be published on the respective fellowship programmes' websites.

IV. GENERAL UPDATES

UN HUMAN RIGHTS CHIEF CONDEMNS ATTACKS TARGETING RELIGIOUS GROUPS

In a public statement issued on 7 January 2011, the High Commissioner for Human Rights, Ms. Navi Pillay, condemned recent attacks targeting religious groups in various countries across the world, and urged States to show determination in combating such violence and in rooting out discriminatory laws and practices affecting religious minorities. She stressed that the “attacks on churches, mosques, synagogues, temples and other religious sites around the world, as well as targeted attacks against individuals, should act as a wake-up call to all of us.” “States everywhere can and should ensure that their educational approach, legal systems and political policies promote tolerance of different beliefs. They must also ensure that incitement to religious hatred is punishable by law,” the High Commissioner emphasized. *Statement in full:* <http://www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsid=10620&langid=e>

HUMAN RIGHTS COMMITTEE (HRC)

HRC held its 100th session between 11 and 29 October 2010 in Geneva. During the session it considered State reports from El Salvador, Poland, Belgium, Jordan and Hungary, as well as individual communications from Jamaica, Bulgaria, Kuwait, Guatemala and Ivory Coast. Concluding observations regarding the rights of indigenous peoples and the protection of their languages were addressed to El Salvador, the protection of Roma minority was mentioned in recommendations to Poland and political participation of minorities in recommendations to Hungary.

More information available on: <http://www2.ohchr.org/english/bodies/hrc/hrcs100.htm>

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR)

CESCR held its 45th session between 3 and 19 November 2010 and CESCR Pre-Sessional Working Group met between 22 and 26 November 2010 in Geneva.

In its session, the Working Group considered State reports from Cameroon, Estonia, Germany, Israel and Turkmenistan. It mentioned indigenous issues in Cameroon and raised questions concerning ethnic minorities in Estonia, Germany, Israel and Turkmenistan.

More information available on: <http://www2.ohchr.org/english/bodies/cescr/cescrwg45.htm>

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW)

The 47th session of the CEDAW took place between 4 and 22 October 2010 in Geneva. During its session, State reports from Burkina Faso, Czech Republic, India, Malta, Tunisia and Uganda were considered. The concluding observations address specific recommendations to the Czech Republic to take effective measures against discrimination and to ensure participation in political and public life of Roma women, as well as to reinforce programmes to include Roma girls in mainstream education.

The 48th session of the CEDAW took place between 17 January and 4 February 2011 in Geneva. State reports from Bangladesh, Belarus, Israel, Kenya, Liechtenstein, Sri Lanka and South Africa were considered.

More information available on: <http://www2.ohchr.org/english/bodies/cedaw/cedaws47.htm>

COMMITTEE ON THE RIGHTS OF THE CHILD (CRC)

CRC held its 56th session between 17 January and 4 February 2011 in Geneva.

Conclusions or recommendations concerning indigenous peoples (I) or minorities (M) feature in the CRC considerations of: Afghanistan (M), Belarus (M), Denmark (I,M), Lao People's Democratic Republic (M), New Zealand (I,M), Singapore (I,M), Ukraine (M).

More information available on: <http://www2.ohchr.org/english/bodies/crc/crcs56.htm>

COMMITTEE AGAINST TORTURE (CAT)

CAT held its 45th session between 1 and 19 November 2010 in Geneva.

On this occasion, the CAT considered the State reports from Bosnia and Herzegovina, Cambodia, Ecuador, Ethiopia, Mongolia and Turkey. Concerning indigenous peoples, the concluding observation addressed to Ecuador asked it to take measures to avoid conflicts of jurisdiction between indigenous and ordinary justices.

More information available on: <http://www2.ohchr.org/english/bodies/cat/cats45.htm>

UN EXPERT: RACISM, RACIAL DISCRIMINATION AND RELATED INTOLERANCE PLAGUE EVERY SOCIETY

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Githu Muigai, stated before the UN General Assembly on 1 November 2010 that being member of an ethnic or religious minority still represents a risk to be a victim of discrimination, hostility or violence.

He called all States to be vigilant against extremist groups and to promote not only laws but also anti-discrimination attitudes, because, in his opinion, no State is immune to extremist political visions that may incite to genocide, war crimes, ethnic cleansing and crimes against humanity.

More information on: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10497&LangID=E>

HUMAN RIGHTS COMMITTEE CONCLUDED THAT THE LATVIAN LANGUAGE LAW IS CONTRARY TO THE RIGHT TO PRIVATE LIFE

In the framework of its 100th session, held between 11 and 29 October 2010 in Geneva, the Human Rights Committee (HRC) adopted its views in the case of Raihman v. Latvia. The main issue under discussion was that Mr. Raihman was required to use a Latvian spelling for his name in official documents after 40 years of using his original name.

The Committee analyzed the complaint under article 17 of the ICCPR and affirmed that “the notion of privacy refers to the sphere of a person’s life in which he or she can freely express his or her identity” and “person’s surname constitutes an important component of one’s identity.” The HRC concluded that the unilateral change of a name by the State party violated article 17 of the Covenant. In the Committee’s view, the Latvian legislation that imposed a “Latvian-sounding noun and surname” on all citizens, without any exception for names of different ethnic origin, violated the right to private life.

More information available on: <http://www2.ohchr.org/tbnu/ccpr/CCPR-C-100-D-1621-2007-E.pdf>

SR ON ADEQUATE HOUSING: MIGRANTS BELONGING TO MINORITY GROUPS PARTICULARLY AFFECTED BY FORCED EVICTIONS

In her statement at the 65th session of the UN General Assembly on 22 October 2010, the Special Rapporteur on adequate housing, Ms. Raquel Rolnik, emphasized that international migrants belonging to minority groups experience multiple forms of exclusion and are faced with challenges concerning the availability, accessibility, habitability and affordability of housing.

The SR stated that migrants belonging to minorities are particularly affected by forced evictions, as a consequence of their difficulty to obtain residence permits, even after spending decades or generations in the host country. She highlighted that migrant minorities such as Roma, who are frequently evicted by the authorities, citing their lack of regularization as the cause of such actions. In many European countries the official dismantling orders for illegal camps of travellers and Roma are rendering hundreds or thousands homeless, stressed the Special Rapporteur.

More information available on: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10468&LangID=E>

SR ON HUMAN RIGHTS DEFENDERS (SR HRD): MISSION TO INDIA

The SR HRD, Ms Margaret Sekaggya, conducted a mission to India, during which she expressed concern at the plight of the human rights defenders working for the rights of marginalized groups as Dalits and Adivasis (tribals). *More information:* tinyurl.com/64eqvat.

WORKSHOP: PROHIBITION OF INCITEMENT TO HATRED

The 2011 Expert workshop on the prohibition of incitement to national, racial or religious hatred will take place in the United Nations Office in Vienna between 9 and 11 February 2011. The workshop is a follow-up to the 2008 Expert seminar on articles 19 and 20 of the International Covenant on Civil and Political Rights with regard to freedom of expression and incitement to hatred.

The event is aimed at gaining a better understanding of legislative partners, judicial practices and different types of policies with regard to prohibiting incitement to national, racial or religious hatred, while ensuring full respect for freedom of expression. This workshop (covering the European region) will be organized by the OHCHR and it will bring together treaty body experts, special rapporteurs, NHRI representatives, NGO representatives, academics, media experts and regional organisation experts. Three more workshops will be organised in 2011. They will take place in the African region (Nairobi, 6-7 April 2011), Asia Pacific region (Bangkok, 6-7 July 2011) and the Americas region (Santiago, 13-14 October 2011).

More information available on: http://www2.ohchr.org/english/issues/opinion/articles1920_iccpr/index.htm

UNIVERSAL PERIODIC REVIEW PROCESS

The Universal Periodic Review (UPR) Working Group held its 9th and 10th session between 1 and 12 November 2010 and 24 January and 4 February 2011, respectively.

At the 9th session the following countries were reviewed, most of which received conclusions or recommendations concerning indigenous peoples (I) or minorities (M): Liberia, Malawi, Mongolia (I,M), Panama (I,M), Maldives (M), Andorra, Bulgaria (M), Honduras (I,M), United States of America (I,M), Marshall Islands, Croatia (M), Jamaica, Libyan Arab Jamahiriya (M), Micronesia (M), Lebanon and Mauritania (M). At the 10th session Nauru, Rwanda (I,M), Nepal (I,M), Saint Lucia (I,M), Oman (M), Austria (M), Myanmar (I,M), Australia (I,M), Georgia (M), Saint Kitts and Nevis, Sao Tome and Principe, Namibia (I,M), Niger, Mozambique, Estonia and Paraguay were reviewed. These reports will be submitted to the 16th session of the Human Rights Council that will take place between 28 February and 25 March 2011 in Geneva.

The 11th session of the UPR Working group is scheduled to take place from 2 to 13 May 2011. The following countries will be reviewed: Belgium, Denmark, Palau, Somalia, Seychelles, Salomon Islands, Latvia, Sierra Leone, Singapore, Suriname, Greece, Samoa, Saint Vincent and the Grenadines, Sudan, Hungary and Papua New Guinea.

More information available on: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

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2011: YEAR FOR PEOPLE OF AFRICAN DESCENT

The International Year for People of African Descent (2011) was launched on Human Rights Day, 10 December 2010, by the UN Secretary General Ban Ki-moon at the UN headquarters in New York. The main objective of the Year is to raise awareness regarding the challenges faced by the people of African descent.

For the High Commissioner for Human Rights, Ms. Navi Pillay, the "International Year offers a unique opportunity to redouble our efforts to fight against racism, racial discrimination, xenophobia and related intolerance that affect people of African descent everywhere." The Chairperson of the UN Working Group of Experts on People of African Descent, Ms. Mirjana Najcevska, stated that "this is the year to recognize the role of people of African descent in global development and to discuss justice for current and past acts of discrimination that have led to the situation today".

More information available on:

http://www2.ohchr.org/english/issues/racism/groups/african/docs/Info_note_IYPAD.pdf

V. FORTHCOMING EVENTS

6-13 February 2011: The Special Rapporteur on the rights on indigenous peoples, Mr. James Anaya, will conduct his first visit to New Caledonia. The purpose of the visit will be to examine the human rights situation of the Kanak indigenous people.

7-11 February 2011: 24th session of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations will take place in Geneva.

14 February-11 March: The Committee on the Elimination of Racial Discrimination will hold its 78th session in Geneva, and will consider State reports from Armenia, Bolivia, Cuba, Ireland, Lithuania, Moldova, Norway, Rwanda, Serbia, Spain, Uruguay and Yemen.

21-25 February 2011: The 13th session of the UN Subcommittee on Prevention of Torture and other Cruel, Inhuman and Degrading treatments or Punishment (SPT) will take place in Geneva.

22-26 February 2011: The SR on the human rights of migrants, Mr. Jorge Bustamante, will visit Albania. He will also undertake a mission to Greece from 28 February to 8 March 2011.

28 February-25 March 2011: The 16th session of the Human Rights Council will take place in Geneva. During this session, the High Commissioner will present the report on the Rights of persons belonging to national or ethnic, religious and linguistic minorities and the report on the Compilation of existing manuals, guides, training materials and other tools dealing with minority issues by various UN entities. Reports of the IE on minority issues and the Forum on Minority Issues will also be presented.

7 March 2011: A thematic discussion on racial discrimination against people of African descent will take place in Geneva, held by the Committee on the Elimination of Racial Discrimination.

11 March-April 2011: The 101st session of the Human Rights Committee will take place in New York. The Committee will consider State reports from Serbia, Slovakia, Mongolia, Seychelles and Togo, and individual communications from Iran, Dominican Republic, Norway and Yemen.

14-15 March 2011: The Special Rapporteur on the rights on indigenous peoples, Mr. James Anaya, will visit Suriname. The Special Rapporteur will meet with relevant stakeholders regarding his technical and advisory services for the development of a law to implement the decision of the Inter-American Court of Human Rights in the case of *Saramaka v. Suriname*.

28 March-1 April: The Working Group of Experts on People of African Descent will hold its 10th session in Geneva.

4-8 April 2011: The Committee on Migrants Workers will hold its 14th session in Geneva. During the session, the Committee will consider the State report of Mexico and will adopt the initial reports from Argentina, Chile and Guatemala.