



Table of contents

- **Minority Fellowship Programmes 2009 and 2010**
- **Independent Expert on Minority Issues**
- **Forum on Minority Issue**
- **Universal Periodic Review**
- **Treaty Bodies and country reviews**

Minority Fellowship Programmes 2009 and 2010

The 2009 *Arabic-speaking* fellowship is planned to take place from 26 October to 20 November 2009, to coincide with the next session of the Forum on Minority Issues (see below). The deadline for the 2009 programme is **July 15, 2009**.

The 2009 *English-speaking* fellowship takes place at the OHCHR office in Geneva from **1 April to 17 July 2009**.

The candidates selected for the 2009 English-speaking programme are:

- Ms. Angie Cruickshank Lambert (Afrodescendant, Costa Rica)
- Ms. Samah Hadid (Lebanese Muslim, Australia)
- Mr. Sabir Michael (Christian, Pakistan)

- Mr. Oktam Gaziev (Uzbek, Kyrgyzstan)

As our fellowship is becoming more and more established, we are changing our selection procedures in order to give a greater voice to minority representatives in selecting the fellows. All applications for the *English-speaking* 2010 fellowship will thus be pre-screened by the 2009 fellows who will shortlist 15 candidates. The final selection will be made based on phone interviews and the decisions of an advisory board. In order to facilitate the pre-selection by the 2009 fellows, the application deadline for the 2010 fellowship was **3 July 2009** (for the fellowship dates of approximately April-June 2010). The call for applications and the application form are posted on our website:

<http://www2.ohchr.org/english/issues/minorities/fellowprog.htm>

Contact person: Oyuna Umuralieva
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Independent Expert on Minority Issues

The Independent Expert on minority issues, Ms. Gay McDougall, undertakes a country visit to the Republic of Kazakhstan from 6 to 15 July 2009, at the invitation of the Government. The Independent Expert will consult with the senior Government officials, representatives of non-governmental

organizations, with community members, academics, and others working in the field of minority issues, social inclusion, and to promote equality and non-discrimination.

The visit offers an opportunity to consult on legislation, policy and practice relating to minority communities and a wide variety of issues relevant to diverse communities in Kazakhstan. The Independent Expert's visit will include travel to Astana, Almaty and surrounding regions.

Following her visit, the Independent Expert will present a report containing her findings and recommendations to the United Nations Human Rights Council in March 2010. The reports of the Independent Expert are available at: <http://www2.ohchr.org/english/issues/minorities/expert/index.htm>

Contact person for more information: Graham Fox gfox@ohchr.org

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Forum on Minority Issues

The first Forum on Minority Issues was held on 15 and 16 December 2008 with the thematic subject of Minorities and the Right to Education. The recommendations of the first Forum on Minority Issues can be found at: http://www2.ohchr.org/english/bodies/hr_council/docs/10session/A.HRC.10.11.Add.1.pdf

On 3 of July 2009, a consultation was organized with different international NGOs and UN agencies including Chairs of Human Rights Treaty Bodies to discuss the set up of the 2nd session of the

Forum that will be focused on the subject of **"Minorities and political participation"** to be held on 12 and 13 November 2009.

Contact person for more information: Lydie Ventre lventre@ohchr.org

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Contemporary forms of slavery

A Special Rapporteur on contemporary forms of slavery, its causes and consequences was appointed by the Human Rights Council at its 6th session. Ms. Gulnara Shahinian took up her mandate on 1 May 2008 for a period of three years. As mandated by the Council, she will inter alia, focus principally on aspects of contemporary forms of slavery, which are not covered by existing mandates of the Human Rights Council; promote the effective application of relevant international norms and standards on slavery; and recommend actions and measures applicable at the national, regional and international levels to eliminate slavery practices wherever they occur, including remedies which address the causes and consequences of contemporary forms of slavery, such as poverty, discrimination and conflict as well as the existence of demand factors and relevant measures to strengthen international cooperation. In addition, Ms Shahinian will take into account the gender and age dimensions of contemporary forms of slavery. The Special Rapporteur is aware that victims of slavery and slavery-like practices frequently belong to minority groups, particular racial groups or categories of people who are especially vulnerable to a wide range of discriminatory acts, including women, children, indigenous

people, people of 'low' caste status and migrant workers.

Ms Shahinian can be reached at srslavery@ohchr.org.

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Universal Periodic Review (UPR)

In 2006 the General Assembly (GA) decided that the Human Rights Council (HRC) shall "undertake a universal periodic review, based on objective and reliable information, of the fulfillment by each State of its human rights obligations and commitments..." (GA resolution 60/251).

The Human Rights Council adopted during its **11th plenary session (2-19 June 2009)** the outcomes of the UPR regarding the 16 countries reviewed at the 4th UPR Working Group session in February 2009: Cameroon, Djibouti, Mauritius, Nigeria, Senegal, Bangladesh, China, Jordan, Malaysia, Saudi Arabia, Cuba, Mexico, Canada, Germany, Russian Federation and Azerbaijan. At the HRC plenary session, the States under Review, HRC Member States and Observers, and stakeholders including national human rights institutions and non-governmental organizations made interventions.

At the **5th session** of the UPR Working Group which took place from **4 to 15 May 2009** in Geneva the following 16 countries were reviewed: Central African Republic, Chad, Comoros, Congo, Vanuatu, Viet Nam, Yemen and Afghanistan, Uruguay, Belize, Chile, Malta, Monaco, New Zealand, Slovakia and the Former Yugoslav Republic of Macedonia. The outcomes of the UPR regarding these countries will be adopted at the **12th**

plenary session of the Human Rights Council (September 2009).

NGOs are invited to contribute information for consideration and possible inclusion by OHCHR in a summary of stakeholders' input for the UPR WG sessions. Please note that the page limit for submissions is 5 pages when submitted by individual stakeholders, and 10 pages when submitted by large coalitions of stakeholders. More detailed reports may be attached for reference. This information will be available on-line for others to access. A note of information and guidelines for relevant stakeholders on the UPR is available at: <http://www.ohchr.org/EN/HRBODIES/UPR/Documents/TechnicalGuideEN.pdf>.

Submissions should be sent to OHCHR at the following email address: UPRsubmissions@ohchr.org.

The deadlines for submissions of stakeholders input regarding countries under review at the **7th session** which will take place in February 2010 are:

- **1 September 2009:** Angola, Egypt, Madagascar, Gambia, Qatar, Fiji, Iran and Iraq.
- **8 September 2009:** Kazakhstan, Bolivia, Nicaragua, El Salvador, Italy, San Marino, Slovenia and Bosnia and Herzegovina.

The deadlines for submissions of stakeholders input regarding countries under review at the **8th session**, which will take place in May 2010, are:

- **2 November 2009:** Guinea, Guinea-Bissau, Kenya, Lesotho,

Kiribati, Kuwait, Kyrgyzstan and Lao PDR;

- **9 November 2009:** Grenada, Guyana, Haiti, Spain, Sweden, Turkey, Armenia and Belarus.

For these and future deadlines see www.ohchr.org/EN/HRBodies/UPR/Pages/NewDeadlines.aspx

All available UPR documentation is posted at <http://www.ohchr.org/EN/HRBodies/UPR>.

The reviews are webcasted live and the archives can be accessed at www.un.org/webcast/unhrc.

Contact for further details: OHCHR Civil Society Unit:
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Treaty Bodies and country reviews

27 April to 15 May 2009 - CAT
The Committee against Torture held its 42nd session from 27 April to 15 May 2009. During this session the Committee considered the following State reports: Chad, Chile, Honduras, Israel, New Zealand, Nicaragua, Philippines.

In its concluding observations to the report of *New Zealand*, the Committee was concerned at the over-representation of Maoris at all levels of the criminal justice process, as well as at the insufficient safeguards in place to protect the rights of minorities from discrimination and marginalization, which put them at a higher risk of torture and

ill-treatment. The Committee recalled that the protection of certain minorities or marginalized individuals or populations especially at risk of torture is a part of the obligation of the State party to prevent torture and ill-treatment. In this regard, the State party should take further measures including legal, administrative and judicial measures, to reduce the over-representation of Maoris and Pacific Islands people in prison, in particular women. The State party should also provide adequate training to the judiciary and law enforcement personnel that takes into account the obligation to protect minorities, and integrates a gender perspective. Also, the State party should undertake an in-depth research on the root causes of this phenomenon in order to put in place adequate safeguards to ensure full protection of minorities from discrimination and marginalization, which put them at a higher risk of torture and ill-treatment. Further, the Committee appreciated the various initiatives taken by the State party to eliminate violence against women, yet it remained concerned about the continued prevalence of violence against women, particularly Maori, Pacific and minority women, and the low rates of prosecution and convictions for crimes of violence against women.

More Information can be found at: <http://www2.ohchr.org/english/bodies/cat/cats42.htm>

4 May to 22 May 2009 - CESCR
The 42nd session of the Committee on Economic, Social and Cultural Rights held its session from 4 May to 22 May 2009. During the session, the Committee considered the State reports of Australia, Brazil, Cambodia, Cyprus, and

United Kingdom of Great Britain and Northern Ireland. Also at this session, the Committee adopted a General Comment (No. 20) on Non-Discrimination in Economic, Social and Cultural Rights, which aims to clarify the provisions of Article 2 (2) of the Covenant, including the scope of State obligations, the prohibited grounds of discrimination, and national implementation. The Comment discusses direct and indirect discrimination; provides guidance with regard to expressly prohibited grounds of discrimination; expands on the concept of "other grounds" and provides examples of such cases; and spells out State obligations with regard to a number of areas, including elimination of systemic discrimination and monitoring, indicators and benchmarks. The Comment stipulates that in order to eliminate substantive discrimination, among others, special measures may include interpretation services for linguistic minorities. It further provides an example of indirect discrimination when requiring a birth registration certificate for school enrolment may discriminate against ethnic minorities or non-nationals who do not possess, or have been denied, such certificates. The comment further provides clarifications on *formal* and *substantive* discrimination across a wide range of Covenant rights against indigenous peoples and ethnic minorities amongst others. For more information see: <http://www2.ohchr.org/english/bodies/ce scr/docs/gc/E.C.12.GC.20.doc>

Regarding the report submitted by *Brazil*, the Committee recommended that the State party continues to strengthen its legal and institutional mechanisms aimed at combating discrimination in the field of employment and facilitating equal

access to employment opportunities for women and for persons belonging to racial, ethnic and national minorities.

In its concluding observations on the report of *Cyprus*, the Committee was deeply concerned that *de facto* discrimination persists against third country migrants, Turkish Cypriots and members of national minorities, especially Romas and Pontian Greeks. The Committee was also concerned about the lack of anti-discrimination case law despite the measures adopted by the State party to enhance its legal and institutional mechanisms aimed at combating discrimination. Also, the Committee noted with concern that Turkish Cypriots continue to face administrative and linguistic obstacles to obtain official documents. Further, the Committee urged the State party to take all appropriate measures to increase opportunities for Turkish Cypriot children to receive teaching in their mother tongue. The Committee also encouraged the State party to strengthen its efforts to ensure that education in school meets the needs of a diverse society and revise school curricula to include a better understanding of the contribution of Cypriot's communities and minorities to the State party's history.

Pertaining to the report submitted by *United Kingdom of Great Britain and Northern Ireland*, the Committee continued to be concerned about the *de facto* discrimination experienced by some of the most disadvantaged and marginalized individuals and groups, such as ethnic minorities and persons with disabilities, in the enjoyment of their economic, social and cultural rights,

especially in the fields of housing, employment, and education, despite the measures adopted by the State party to enhance its legal and institutional mechanisms aimed at combating discrimination. Furthermore, the Committee was concerned about the discriminatory impact of some counter-terrorism measures on the enjoyment of economic, social and cultural rights of certain groups in the State party, in particular ethnic and religious minorities, despite the State party's commitment to adopt policies aimed at promoting integration, equal treatment and diversity. It recommended that the State party ensures that its counter-terrorism measures do not have a discriminatory effect on the enjoyment of the Covenant rights on certain groups in the State party, in particular ethnic and religious minorities. The Committee was concerned that the unemployment rate of some groups, especially ethnic minorities, continues to be higher than that of other workers, and that they continue to be employed in low-paid jobs. The Committee recommended that the State party takes immediate and appropriate measures to reduce unemployment among ethnic minorities and to provide them with better employment opportunities. The Committee was concerned that pension entitlements do not provide the most disadvantaged and marginalized individuals and groups, including women, persons with disabilities and ethnic minorities, with an adequate standard of living. The Committee was concerned that the increase of age from 18 to 21 for foreign partners to join their British partners has a discriminatory effect on some groups, in particular ethnic minorities and women. The Committee continued to be concerned that poverty

and fuel poverty, especially among children, remain wide-spread in the State party, despite the level of its economic development and the positive steps it has taken. The Committee was also concerned that poverty levels vary considerable between and within regions and cities as well as between different groups of society, with higher poverty levels among ethnic minorities, asylum-seekers and migrants, older persons, single mothers, and persons with disabilities. The Committee was concerned that significant disparities in terms of school performance and drop-out rates continue to exist between pupils belonging to ethnic, religious or national minorities, in particular Roma/Gypsies, Irish Travellers, and other students, in spite of the efforts undertaken by the State party to address the social and economic inequalities existing in the field of education. It recommended that the State party adopts all appropriate measures to reduce the achievement gap in terms of school performance between British pupils and pupils belonging to ethnic, religious or national minorities in the field of education, *inter alia*, by ensuring the adequate provision of English-language courses for those students who lack adequate language proficiency and avoiding the over-representation of minority students in classes for children with learning difficulties. The Committee further recommended that the State party undertakes further studies on the correlation between school failure and social environment, with a view to elaborating effective strategies aimed at reducing the disproportionate drop-out rates affecting minority pupils. The Committee recommended that the State party, or the devolved administration in

Northern Ireland, adopts an Irish Language Act, with a view to preserving and promoting minority languages and cultural heritage, and invites the State party to provide detailed information on the progress made in its next periodic report.

In its concluding observations to the report of *Cambodia*, the Committee noted with appreciation the legislative and other measures adopted by the State party to promote the enjoyment of economic, social and cultural rights, including the 2006-2010 Strategic Plan of the Ministry of Labour and Vocational Training, providing special services for persons with special needs such as the youth, persons with disabilities in particular among minority groups. The Committee noted that primary education continues to be a problem for the various ethnic minorities in the north and east of the country where there are 20 minority languages spoken by these groups as their mother tongue while the formal education curriculum has only used Khmer as the medium of instruction. It recommended to the State party to extend the coverage of the Education Law to ensure the right to education to all Cambodian children whose first language is not Khmer.

More information can be found at:
<http://www2.ohchr.org/english/bodies/cescr/cescrs42.htm>

25 May to 12 June 2009 - CRC

The Committee on the Rights of the Child held its 51st session from 25 May to 12 June 2009 and considered the following State reports: Bangladesh, France, Mauritania, Niger, Romania and Sweden.

In its concluding observations to the report of *Bangladesh*, while noting the State party's commitment in its Constitution and "Vision 2021" to create an equitable, just and non-discriminatory society, the Committee was nevertheless concerned that the principle of non-discrimination contained in article 2 of the Convention is not fully respected in practice. Girls continue to face discrimination and disparities, particularly with regard to healthcare, nutrition and early marriage, as do particular groups of children, including refugee children, children with disabilities, children in slums and rural areas and children of ethnic and religious minorities. The Committee recommended that the State party takes the necessary measures to ensure that efforts to address persistent discrimination and reduce disparities are adequate and effective in the family, schools and other settings, and in particular among marginalized and excluded children, including girls, children of ethnic minorities and refugee children. It further recommended adopting specific measures to ensure that minority and indigenous children are not discriminated against in the enjoyment of their right to access basic and specialized health services. The Committee also recommended considering making multilingual education available in remote areas for minority and indigenous children.

Regarding the report submitted by *France*, the Committee reiterated its recommendation to the State party to review its position with respect to children belonging to minority groups and to consider withdrawing its reservation to article 30, of the Convention, as well as both declarations to articles 6 and 40,

of the Convention. While welcoming the inclusion in school curricula of activities to counter racism, anti-Semitism and xenophobia, the Committee expressed concern at persistent discrimination, in particular in the field of economic and social rights, hampering social progress, justice and non discrimination, especially with respect to children residing in the Overseas Departments and Territories, asylum seeking and refugee children, as well as children belonging to minority groups such as Roma, travellers ("*gens du voyage*") and religious minorities. It urged the State party to continue its efforts to eliminate regional disparities and to take measures to prevent and combat the persistent discrimination of foreign children and children belonging to minority groups, and create a climate of social progress, justice and equality. The Committee was concerned at the stigmatisation, including in the media and in school, of certain groups of children, in particular vulnerable children and children living in poverty, such as Roma and disabled children, children belonging to minorities and children living in suburbs (*banlieues*), which leads to a general climate of intolerance and negative public attitudes towards these children, especially adolescents, and may be often the underlying cause for further infringements of their rights. The Committee reiterated its concern that equality before the law may not be sufficient to ensure equal enjoyment of rights of minority groups and indigenous peoples of Overseas Departments and Territories, who may face *de facto* discrimination. It further expressed concern over the lack of validation of cultural knowledge transmitted to children belonging to minority groups, in particular travellers and Roma children

and the discrimination they face in particular with regard to economic, social and cultural rights, including right to adequate housing and standard of living, education and health. The Committee recommended that the State party ensures that minority groups and indigenous peoples of Overseas Departments and Territories enjoy equal enjoyment of their rights and that children receive the possibility to validate their cultural knowledge without discrimination. It further urged the State party to take measures to eliminate all discrimination of children belonging to minority groups, in particular with regard to their economic and social rights.

Pertaining to the report submitted by *Mauritania*, the Committee noted the lack of information on children belonging to minority groups in the State Party's report. It urged the State party to provide information on the fulfilment of the rights of children belonging to minority groups in its next periodic report.

In its concluding observations to the report of *Romania*, the Committee, while welcoming the State party's efforts to implement the concluding observations on the previous State party's report, noted with regret that some of the recommendations contained therein have not been fully implemented, in particular, those related to discrimination against children belonging to the Roma minority. The Committee was concerned that while, persons can be identified as belonging to a minority group only through self-reporting, abandoned or very young children who are not able to identify themselves are often identified as Roma

by social workers and others, resulting in discriminatory practices, including segregation. The Committee recommended that additional resources and improved capacities are employed to meet the needs of children with mental health problems throughout the country, with particular attention to those at greater risk, including, *inter alia*, children belonging to minority groups. Further, the Committee noted that article 118 of the Law on Education recognizes the right of persons belonging to national minorities to receive education in their mother tongue, and that the State party has ensured in practice that education conducted completely or partially in their mother tongue, or the study of their mother tongue, is available to children belonging to a number of minorities, including the Roma. However, the Committee noted that despite efforts to improve the situation, there may be too few opportunities to use their mother tongue and culture for all minorities with special attention to the Roma. The Committee further noted with satisfaction that opportunities have been created for the persons belonging to minorities in law and in practice to interact with courts and local public administration in their mother tongue, as well as to broadcast their own TV and radio programmes, as well as to receive state funding for various projects, *inter alia*, in the area of education, culture, and youth programmes. The Committee recommended that the State Party ensures that its policies, measures and instruments apply without discrimination and aim to protect the rights of children belonging to all minorities, including Roma, and their rights under the Convention. As regards children of Roma minority, the Committee noted that schools and other

institutions do not take into account the cultural and other needs of Roma children. The Committee noted that despite efforts, the Roma have limited opportunities to raise awareness of issues affecting them through the media, and that certain local authorities have resisted the use of minority languages in interactions with local administration. The Committee in particular recommended that the State party: a) develop comprehensive policy frameworks for the delivery of sustainable services to address the complex situation of Roma children and Roma families, including language, education and culture; b) enhance models for intra-community interventions and campaigns to address the issues of early marriage and early pregnancy; c) strengthen its efforts to remove discrimination and to continue developing and implementing - in close collaboration with the Roma community itself - policies and programmes aimed at ensuring equal access to culturally appropriate services, including early childhood development and education; d) initiate campaigns, including throughout the media at all levels and regions, aimed at addressing the negative attitudes towards the Roma in society at large, including among police and other professionals.

Regarding the report submitted by *Sweeden*, the Committee reiterated its previous concern that, despite the adoption of legislative guarantees, including the new Anti-Discrimination Act, the principle of non-discrimination is not fully respected in practice, and it is particularly concerned about *de facto* discrimination against and xenophobia and racist attitudes towards children of ethnic minorities, refugee and asylum-

seeking children and children belonging to migrant families.

More information can be found at:
<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>

13 July to 31 July 2009 - HRC

The Human Rights Committee will hold its 96th session from 13 July to 31 July 2009 and will consider the following State reports: Azerbaijan, Chad, Netherlands, and United Republic of Tanzania.

More information can be found at:
<http://www2.ohchr.org/english/bodies/hrc/hrcs96.htm>

20 July to 7 August 2009 - CEDAW

The 44th session of the Committee on the Elimination of Discrimination against Women will take place from 20 July to 7 August 2009. During the session, the Committee will consider the state reports by Argentina, Azerbaijan, Bhutan, Denmark, Guinea Bissau, Lao People's Democratic Republic, Japan, Liberia, Spain, Switzerland, Timor Leste, and Tuvalu.

More information can be found at:
<http://www2.ohchr.org/english/bodies/cedaw/cedaws44.htm>

3 August to 28 August 2009 - CERD

The Committee on the Elimination of Racial Discrimination is holding its 75th session from 3 August to 28 August 2009, considering the following State reports: Chad, Poland, Colombia, Azerbaijan, Chile, China, Greece, Monaco, Philippines, Ethiopia, Peru, Panama, and United Arab Emirates. It will consider the country situation in the absence of a State party report for Maldives and Kuwait.

More information can be found at:
<http://www2.ohchr.org/english/bodies/cerd/cerds75.htm>

14 September to 2 October 2009 - CRC

The Committee on the Rights of the Child will hold its 52st session from 14 September to 2 October 2009 and will consider the following State reports: Bolivia, Mozambique, Pakistan, Philippines, Qatar; OPSC: Poland, Yemen and OPAC: Poland, Turkey

More information can be found at:
<http://www2.ohchr.org/english/bodies/crc/crcs51.htm>

12 October to 16 October 2009 - CMW

The Committee on Migrant Workers will hold its 11th session from 12 - 16 October 2009 and consider the States report of Sri Lanka.

More information can be found at:
<http://www2.ohchr.org/english/bodies/cmws/cmws11.htm>
