

## Item 4

Working Group on Minorities, August 2006

**Statement made by Minority Rights Group International on behalf of minorities caucus on future of minorities mechanisms – Item 4**

1. Identidad Cultural Romani de Argentina
2. Independent, Bosnia and Herzegovina
3. Kamanakao Association, Botswana
4. Reteng The Multicultural Coalition of Botswana
5. Unisson-nous pour la promotion des Batwa, Burundi
6. Canadian Egyptian Organization for Human Rights, Canada
7. Afro-Colombian National Movement CIMARRON, Colombia
8. Centre International de Defense des Droites des Batwa, DRC
9. Asociacion de Mujeres Dorcas de Cahuita, Costa Rica
10. Asociacion Proyecto Caribe, Costa Rica
11. Center for Peace, Legal Advice and Psychosocial Assistance, Croatia
12. Anywa Community Development Association, Gambella-Ethiopia
13. Pastoralists Forum, Ethiopia
14. Tarakegn Chimdi, Human Rights Defender, Oromo of Ethiopia
15. Armenian Cooperation Centre of Georgia
16. Yasa e.v – Kurdish Centre for Legal Studies and Consultancy, Germany
17. Greek Helsinki Monitor, Greece
18. Minority Rights Group – Greece
19. Rainbow – Vinozhito, Greece
20. Western Thrace Minority University Graduate Association, Greece
21. Dr. Rita Izsak, Human Rights Defender, Hungary
22. Adalah: The Legal Centre for Arab Minority Rights in Israel
23. Arab Association for Human Rights, HRA, Israel
24. Kayan Feminist Organization, Israel
25. Centre for Study of Society and Secularism, India
26. Holistic Turnaround Management Foundation, India
27. Meghalaya Peoples Human rights Council, North East India
28. National Federation of Dalit Women, India
29. Setu, India
30. Social Action Forum Against Repression, India
31. Tamil Nadu Muslim Munnetra Kazhagam, India
32. Budidaya, Indonesia
33. Office of Justice and Peace, West Papua, Indonesia
34. Organization for Defending the Kurdish Human Rights, RMMK, Kurdistan Province, Iran
35. Iraqi Turkment Human Rights Research Foundation, Iraq
36. International Movement Against All Forms of Discrimination and Racism IMADR, Japan
37. Indigenous Fisher Peoples Network, Kenya

38. Lesada Communications Network Lesanet, Kenya
39. Terik Council of Elders, Kenya
40. Centre of Polycultural and Multilingual Education, Kyrgyzstan
41. Humanitarian and Charitable Roma Association Mesecina, Macedonia
42. RNGO Roma 2002, Macedonia
43. Roma Democratic Development Association Sonce, Macedonia
44. UNO Libertask, consortium of 5 NGOs, Montenegro
45. Karenni Research Development Group, Myanmar
46. Mon Youth Progressive Organization, Myanmar
47. Collective Campaign for Peace COCAP, Nepal
48. Feminist Dalit Organization FEDO, Nepal
49. Jagaran Media Center, Nepal
50. Manjita Gurung, Human Rights Defender, Nepal
51. Nawa Davu, Nepal
52. Sambhav, Nepal
53. Centre for the Protection of Ogbogolo People, Nigeria
54. Civil Liberties Organization, Nigeria
55. Ekpan, Nigeria
56. Institute for Dispute Resolution, Nigeria
57. Institute for Sustainable Development, Nigeria
58. Movement for the Survival of the Ogoni People, Nigeria
59. Bangsamoro Lawyers' Network, Philippines
60. Lumah Ma Dilant Centre for Living Traditions, Philippines
61. Aides specialisees aux Eleves en Difficulties, ASED, Senegal
62. Bibija, Serbia
63. Deman Mahmoud, Human Rights Defender, Somalia
64. Benadir Watch, Somalia
65. Citizens' Watch, Sri Lanka
66. Human Development Organization, Sri Lanka
67. Sweden's Finnish Minorities, Sweden
68. Tedwii Indigenous Women's Development Organization TIDO, Uganda
69. Dalit Solidarity Network, United Kingdom
70. Ahwaz Human Rights Organisation, USA
71. Asociacion Cultural y Social Uruguay Negro ACSUN, Uruguay

This presentation is on behalf of a caucus of over 50 NGOs from countries representing all regions of the world. This includes many groups here this week and others who have been to the Working Group in the past. The full list is attached to this statement.

Given this period of review and change, we would like to present recommendations for future UN work on the human rights of minorities, including the future of the WGM.

The Working Group on Minorities has, for twelve years, provided a unique forum for minority representatives at the UN. It has provided the only forum for minority representatives to discuss issues of relevance to them and to engage in dialogue with

states. In 2004, MRG carried out an impact survey on minorities who had attended the WGM. The main finding was that attending the WGM did lead to impact for NGOs back in their country. Such impact included: initiating dialogue in Geneva with governments for the first time that was continued back in the country, being taken more seriously following attendance at a UN meeting, and, as a result, NGOs achieved changes in country through using contacts made in Geneva.

The last year has seen of course the very welcome arrival of the Independent Expert on Minority Issues, Ms Gay McDougall, and we welcome her work and presence at the WGM this week – the anniversary of her appointment.

We also welcome the work done by the handful of dedicated staff devoted to minority issues within the OHCHR and recently the creation of the Minority Fellows programme.

Despite this, we wish to point out that addressing the rights of minorities remain one of the most marginalised issues within the human rights mechanisms in the UN. We should remember that the Sub-Commission, the first major human rights body created by the UN, was originally titled “on the Prevention of Discrimination and the Protection of Minorities”. But minority issues were increasingly marginalised until the creation of the WGM, which until last year was the only mechanism dedicated to minorities within the UN.

This marginalisation of minorities within the UN is not acceptable given that minorities make up perhaps 30% of the world’s population. Their human rights issues are central to conflict prevention and effective development cooperation, both critical to the UN’s work. It is vital that marginalised minorities are able to raise their issues at the UN, as they often have no other mechanism, internal or international that they can use. When no mechanism exists for peacefully addressing problems, conflict emerges. We have heard again this week more examples of how the UN development and conflict prevention work often fails to understand and apply minority rights.

In order to build for the future one must learn from the past. Apart from the general marginalisation of minority issues within the UN, the greatest problem for minorities attending the WGM over the years has been the inability of the body to address the issues they raise due to the limitations on its mandate. Attending this forum can be the only opportunity for minorities to publicly raise an issue and yet no response can come back. This has been compounded this year by the reduction in the time of the Working Group. For minorities to take the time and effort to travel what are often long distances, and sometimes putting themselves at risk, a meeting that effectively lasts only two days is not justifiable.

### *Principles*

With this in mind we urge the UN and its member states to conduct its review of the human rights mechanisms for minorities based on the basic understanding that its current systems are inadequate to address the many and important issues affecting minorities,

millions of people. The current systems need to be strengthened, not reduced in any way.

We ask the UN to review its existing minority mechanisms on the principle that, at a minimum, the mechanisms together should achieve the following:

- 1 Ensuring that the UN's existing minority rights standards, and in particular the Declaration, are applied.
- 2 Ensuring minorities, the most marginalised people in the world, are able to raise their concerns at the UN
- 3 That the UN is able to help find solutions to minority problems based on its standards and best practices.
- 4 Ensuring that all UN agencies and missions understand and work towards the full implementation of the Minorities Declaration, as required by Article 9.

#### *Specific Recommendations*

We make the following specific recommendations on how the mechanisms can be strengthened to meet these aims.

First, the position of Independent Expert should be made permanent, and guaranteed sufficient resources to meet her mandate.

However, one person is not enough to deal with the global issues on minorities and meet the four basic principles outline above. We therefore recommend that, particularly in the light of the likely reforms to the UN mechanisms, including the Sub-Commission, a new body be created to take forward the UN's work on minorities and in particular that of this Working Group.

We propose that this new mechanism be tasked with furthering the full implementation of the Declaration and other UN minority standards, and should have three main roles.

- First, to be a forum where minorities can raise issues and possible solutions be canvassed to problems.
- Second, to be a body that develops the practical understanding and implementation of the Declaration. It should produce a series of official Opinions on each aspect of the Declaration, and other aspects of minority rights, developing the Working Group's Commentary, based on law and good and bad practice. These should aim at being practical tools for minorities, governments, UN agencies and others on how to use the Declaration to address their concerns.
- Third, to have a specific mandate to work towards the implementation of Article 9 of the Declaration within all parts of the UN, including agencies.

This mechanism should report directly to the Human Rights Council, to increase the visibility and importance of minority rights issues within the UN. However, the open participation of NGOs developed by the Working Group must be continued. On no

account should participation be restricted to NGOs with ECOSOC status - which will be impossible for most local minority organisations to achieve.

The work should be complementary to, not duplicate the Independent Expert, but both mechanisms should maintain very close working links. The Independent Expert should in particular take up specific issues raised by minorities during fora meetings and emergency issues.

The forum meetings themselves we strongly believe should be more frequent than those of the Working Group. We suggest that there be a main meeting of the Forum each year in either Geneva or New York. New York meetings will be necessary to address the implementation of Article 9 in other parts of the UN, such as its conflict prevention and development work. These meetings should have a planned thematic theme, leading to specific general opinions being drafted on the issue(s) discussed. Each annual meeting could also consider the implementation of the Declaration by a specific UN agency or other organisation. There should be a general session as well. We suggest that these meetings take place for two weeks to make travel worthwhile for many minorities.

We strongly believe that the new mechanism should have in its mandate to hold regional or sub-regional forum meetings each year, we suggest three such meetings. The regional meetings of the Working Group have been very useful, but too infrequent, due to budgetary issues. Regional meetings will allow all relevant parties to participate, including minorities who cannot travel easily to Geneva or New York, government experts and local UN agencies and offices. It will also allow regional issues affecting minorities to be considered. We suggest that during such meetings the new mechanism looks at the implementation of the Declaration in that (sub)region, and in particular the work of the UN agencies and offices. At a minimum it should make recommendations to the UN offices.

The new mechanism should consider the situation of minorities raised before it based on all information in the UN system, and in particular the matrix/profiles that it should monitor and help develop. It should be able to issue comments and recommendations that are presented to the Council and used by the latter in its work, including Universal Periodic Review, but also by the Treaty Bodies and others. The new mechanism should make specific recommendations to UN agencies. The strong consensus in the minority caucus was for the forum to be a place to promote dialogue and solutions, not one for confrontation.

Given the current discussions about membership of a future UN expert human rights body, we suggest that membership of the new minority mechanism be a mixture of members of minorities, and experts on minority issues and rights. We suggest the division be five from each with an aim of gender balance. Members can be proposed by states and by minority communities. To promote efficiency, a limited number of members of the mechanism could attend the regional meetings.

*Other*

Apart from creating a new mechanism, the Council should ensure that minority issues are addressed in all aspects of its work. The situation of minorities should be a basic item in the Universal Periodic Review process and other reviews of countries, and be on the agenda. New Council expert advisers should include persons with expertise in minority issues.

States should pass a resolution in the GA to establish the voluntary fund for minorities as decided by the CHR in 2004 (Decision 2004/114) and approved by ECOSOC (resolution 2004/278). This would facilitate minority participation in the future work of the new mechanism, the work of the IEMI and wider UN human rights system.

There is a particular need for the UN to address the understanding of and implementation of minority rights in its work on development and conflict prevention. We call for an adoption by the UNDP of a policy on minorities and for the Security Council to adopt a resolution on minorities and conflict prevention. The UN human rights bodies should work closely towards it.

In any event, the UN, and particular the OHCHR, needs to have a much greater understanding of minority rights in all its work. We make two specific requests

- That each UN country team has one person who deals with minorities and ensures they are included in all relevant reports. The name of this person should be publicly known so minorities can access them.
- OHCHR, given its increased resources, should increase the number of staff it has focused on minority issues, which is still an underresourced area.

We look forward to continuing dialogue on this issue in the coming months.