

Minority-related activities in the United Nations System in 2013

Sally Holt, Rajiv Jebohd and Jeremie Gilbert¹

Abstract

In reviewing the activities of relevant UN human rights institutions, bodies and mechanisms this chapter identifies and examines some of the main issues that have emerged regarding minority rights during the year 2013. It notably analyses how the UN has focused particular attention on the situation and the rights of religious minorities, as well as on the elaboration of the post-2015 development agenda. The chapter also reviews activities in other issue areas important for minorities such as language, education, combatting racism, hatred and intolerance, and the prevention of genocide and mass atrocities. It highlights developments with regard to specific groups such as Roma, people living with Albinism and Dalits. It also examines some of the urgent situations that have arisen from conflicts which have targeted minorities across the globe.

Key words: development; religion; independent expert on minority issues; discrimination; racism and intolerance; conflict; sectarian violence; minority protection

Introduction

The present chapter reviews the activities regarding minority rights undertaken by UN human rights institutions during 2013.² It looks first at the activities of Independent Expert on Minority Issues (IEMI)³ and other UN special rapporteurs (SRs) whose mandates are of relevance to the situation of minorities. Section II focuses specifically on the work on religious minorities undertaken under the umbrella of the Forum on Minority Issues since this has been a prominent theme in 2013. In Section III the work of the SRs and the Forum is placed in the context of wider UN led developments regarding minority rights such as the adoption of the Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities. Finally, the fourth section examines the UN responses to urgent situations involving targeted attacks against minorities that have arisen throughout the year across the globe.

¹ The three authors are affiliated to the Centre for Human Rights in Conflicts based at the University of East London (UK). Sally Holt is Research Fellow; Rajiv Jebohd is a PhD candidate and an intern at the center; and Jérémie Gilbert is a Reader in Law at University of East London.

² References to some of the activities that took place in early 2014 are also made where these are directly related to developments or events under discussion in 2013. .

³ On 11 April 2014 pursuant to Human Rights Council resolution 25/5, the mandate of the Independent Expert was extended for a period of 3 years and the title changed to Special Rapporteur on Minority Issues. This does not impact on the method of work or activities to be carried out, but simply reflects the HRC desire to standardise nomenclature of mandate-holders.

The year 2013 has been marked by a strong focus on the situation and the rights of religious minorities on the part of many of the UN the specialised bodies and mandate holders. This has been part of a general willingness to focus on the issue but has also been driven by the need to react to many violent attacks which took place during the year against religious minorities (in Bangladesh and Egypt, for example), as well as conflicts driven by religious dissensions, as in the Central African Republic.

The other prominent issue which has marked the year 2013 relates to the elaboration of the post-2015 development agenda and the potential place of the rights of minorities in this context. Due to the high level of criticism towards the lack of positive impact of the Millennium Development Goals (MDGs) on minorities, renewed efforts are taking place to ensure that the new developmental agenda will provide more focused attention on the situation of minorities.

Other key themes affecting minorities that have continued to hold the attention of the IEMI and other country and thematic mandate holders relate to: the use of minority languages and linguistic rights; combatting racism, intolerance and xenophobia; education to address racial hatred and discrimination as well as education issues impacting on minorities such as the teaching of history; and the prevention of genocide and mass atrocities, including on the basis of religious identity or belief.

Groups whose situation continues to be highlighted as of particular concern include Roma and Travellers, Dalits, and people living with albinism, Women, girls, and youth belonging to minorities also receive special attention. Country situations threatening the security of minorities that have provoked urgent response from UN institutions and bodies include Egypt, Iran, Iraq, Myanmar and Syria, among others.

I. SPECIAL RAPPORTEURS

A review of the activities of the IEMI and other special procedures country and thematic mandate-holders in 2013 serves to highlight some major trends and concerns for minorities and priorities for addressing them.⁴ Given the breadth of work that demands attention with respect to minority issues, and the limitations on the work of the Independent Expert, her work in 2013 continued within the framework of three broad strategic objectives:⁵

1. Increase the focus on minority communities in the context of poverty alleviation, development and the Millennium Development Goals (MDGs).

⁴ These include: the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on freedom of religion or belief; and Special Rapporteur in the field of cultural rights; AND THE Special Rapporteur on the human rights situation in Belarus.

⁵ See: <http://www.ohchr.org/EN/Issues/Minorities/IEExpert/Pages/Ojectives.aspx>

II. Increase the understanding of minority issues in the context of promoting social inclusion and ensuring stable societies.

III. Mainstream the consideration of minority issues within the work of the United Nations and other important multilateral forums.

In her **annual report** on her activities in 2013 and through **public statements** relating to disturbing and urgent news of minority rights violations, the IEMI drew attention both to priority themes in her work such as minorities in the post-2015 development agenda and risks facing languages and linguistic minorities, while also highlighting the plight of some especially vulnerable communities of concern (including the Roma and the Dalits of South Asia), as well as the situation of particular ethnic or religious minority groups in different countries. Along with along with other UN independent human rights experts where the issues raised were of relevance across a number of mandates, she also used public statements and joint **communications** (including both urgent appeal letters to prevent human rights violations and letters of allegation in cases of violation already perpetrated) to highlight specific cases requiring urgent action on the part of Governments (these are examined in greater details in the last section focusing on urgent situations). Public statements included those concerning crisis situations and other situations of grave concern affecting minorities.

A. Themes

Minorities and development: A report of the UN Task Team on the Post-2015 United Nations Development Agenda on *Addressing inequalities: the heart of the post-2015 agenda and the future we want for all* highlighted that: “the era of the MDGs may have inadvertently seen some channelling of resources away from the poorest population groups or from those that are already at a disadvantage because of the effects of discrimination based on their gender, ethnicity, disability or residence ... Redressing such discrimination and inequalities will be essential, if global opportunities for progress are to be shared by those most in need of its benefits.”⁶

Throughout 2013 the IEMI continued to prioritise the inclusion of minorities in the post-2015 development agenda, making this topic a focus of her annual thematic report.⁷ As the report notes, research suggests that minorities and indigenous peoples have progressed at a lower rate and has even found gaps between them and other communities increasing as others have benefitted from MDG interventions.⁸ The IEMI also drew attention to the impacts of the global economic crisis which has seen a rise in levels of racism and xenophobia and

⁶ Para. 41. The quoted report is available at: www.un.org/millenniumgoals/pdf/Think%20Pieces/10_inequalities.pdf.

⁷ See Report of the Independent Expert on Minority Issues, A/HRC/25/56, HRC 25th Session, 06/01/2014, Sections III and IV.

⁸ Ibid, para. 37.

pushed members of many minority groups further into poverty (which breeds negative feeling on both sides of the social divide).⁹

The IEMI's report stresses the need to learn from failures of the MDGs in reaching development targets and to ensure the inclusion of minorities in all stages of planning and implementation of the new sustainable goals.¹⁰ Despite valuable new attention to inequalities in the process of developing the post-2015 agenda, it notes, minorities still remain a relatively low priority in comparison issues including gender equality, disability, children and age.¹¹ The IEMI warns of a real danger that many millions of persons belonging to minorities globally will continue to be "left behind" if there is not a clear commitment at global and national levels to address the development needs and human rights of disadvantaged minorities. A full analysis of why the MDGs have not been achieved for disadvantaged minorities is required in order to highlight and rectify deficiencies in the MDG framework.¹² A focus on disadvantaged minorities and specific minority groups, including Roma, People of African Descent, and disadvantaged linguistic and religious minorities would, the IEMI concludes, potentially bring much needed development to millions of the most impoverished and excluded peoples globally.¹³

The report highlights the need to collect and analyse disaggregated data to reveal inequalities and inform the development of sufficiently-resourced targeted policies and interventions, including affirmative action for addressing the economic and social exclusion of minorities. National authorities and the international community, including donors and UN specialized agencies, have an important role to play in this regard. It will be crucial to establish specific targets for States on the inclusion of minorities and specific indicators upon which to measure progress, as well as independent monitoring bodies with civil society and public participation. The participation of minorities themselves must be ensured and increased in all phases of planning and implementation.¹⁴

Noting that stakeholders are increasingly taking up the message, long been promoted by the OHCHR, that human rights based approaches strengthen development strategies and outcomes, the IEMI emphasises the need to remember that human rights include minority rights.¹⁵ She also draws attention to the recent increased attention to minority issues in the UN system including in the Guidance Note of the Secretary-General on racial discrimination and protection of minorities.¹⁶ National consultations on the post-2015 development agenda convened by 88 country teams have also made deliberate efforts to engage groups that do not generally participate in policy discussions.¹⁷ The

⁹ Ibid, para. 51.

¹⁰ Bulletin 2014/1 Summary of the work of the United Nations Special Rapporteur on Minority Issues, between January-June 2014. .

¹¹ IEMI Report, A/HRC/25/56, para. 84.

¹² Ibid. para. 35-36.

¹³ Ibid. para. 85.

¹⁴ Ibid, paras. 85-91.

¹⁵ Ibid, para. 38.

¹⁶ Ibid, para. 43.

¹⁷ Ibid, para. 44.

IEMI's report goes on to examine the situation of minorities in the context of the eleven areas which were used for global consultations on peoples' vision for the post-2015 development agenda: inequalities, education, health, growth and employment, food and security and nutrition, conflict, environmental sustainability, governance, energy, water and population dynamics. Some key priorities identified by the IEMI in these areas relate to the need for:

- A strong global message and requirement to address inequality articulated in a new set of post-2015 development imperatives to mobilise State action and empower civil society and minority communities.¹⁸
- Investment in understanding and tackling the root causes of inequality as well as its symptoms.¹⁹
- Recognition that minorities experience multiple and intersectional challenges that create vulnerability across a range of areas. It is often women that suffer multiple discrimination on account of their sex, membership of a minority, and poverty.²⁰
- An approach that addresses perceptions of affirmative action as being unfair by those not directly targeted.²¹
- Comprehensive measures where inequalities are experienced across several structural domains.²²
- Institutional attention to minority rights by States both as a good governance obligation and an essential component of their human rights, equality and non-discrimination commitments.²³
- Use of disaggregated data to identify and address gaps and inequalities in access to services including health, affordable energy, and sanitation water and hygiene.²⁴
- Consideration of population dynamics including trends and changes in growth, density and age structures as the basis for informed policy and programming, as well as greater attention to dynamics between and across population groups.²⁵

The IEMI continued to contribute to global consultations on the post-2015 development agenda and submitted two papers to the consultations on inequality and on good governance. The latter reaffirms the importance of mainstreaming minority rights and discrimination against particular groups in the post-2015 agenda and their inclusion as priority issues for UN and other national and international actors involved.²⁶ It also highlights the need for *meaningful* inclusive governance, beyond giving minorities a seat at the table and

¹⁸ Ibid, para. 47.

¹⁹ Ibid, para. 49.

²⁰ Ibid, para. 50.

²¹ Ibid, para. 57.

²² Ibid, para. 58.

²³ Ibid, para. 74.

²⁴ Ibid, paras. 63, 76 and 78.

²⁵ Ibid, para. 80.

²⁶ Minority Issues and Governance, Submission by the Independent Expert on Minority Issues, Ms. Rita Itsak, Global Consultation on Governance and the Post-2015 Framework, 28 February – 1 March, South Africa.

a voice in decision-making.²⁷ The IEMI will continue to consult widely on the issue with all relevant stakeholders at the global and national level to ensure minority issues are given appropriate attention in the process of developing a new set of development goals and in the goals themselves.²⁸

The IEMI's efforts activities in this regard are situated within the broader framework of efforts to prepare the post 2015 development agenda which have gained momentum during 2013-14 as the eight MDGs come to a close. As part of this effort, several processes have been taking places at several levels, intergovernmental and institutional. At the inter-governmental level this includes the UN High-level Panel on the post-2015 development agenda. In May 2013, the UN High Level Panel published some recommendations regarding the design of the post 2015 development agenda. Relevant to minority rights, it notably states that: "We should ensure that no person – regardless of ethnicity, gender, geography, disability, race or other status – is denied universal human rights and basic economic opportunities. We should design goals that focus on reaching excluded groups."²⁹ It also calls for the establishment of new indicators that should be disaggregated by variables such as gender and ethnicity. This could potentially represent an important innovation as one of the limitations of the MDGs regarding minorities was there over reliance on aggregate results and their lack of disaggregated data collection. In practice this meant that very few measurements and targeted action reached minorities as governments have tended to focus on the populations that are easiest to reach and those whose levels of inequality were least costly to address. However, in general despite this reference to minorities and the call for disaggregated indicators, overall very little reference was included regarding minority rights in the UN High-level Panel.

Linguistic minorities – Following her 2012 report which reinforced the importance of recognition of minority languages and linguistic rights³⁰, the IEMI continued to call for urgent action to stall the trend in the declining use of minority languages and associated threats to linguistic minorities. In 2013, she warned that half of the world's estimated 6,000 plus languages will likely die out by the end of the century and urged world governments to take significant and urgent efforts to protect minority communities and their language heritage.³¹ "Language is a central element and expression of identity and of key importance in the preservation of group identity", she underlined.³² She identified assimilationist policies that promote dominant national or official languages, the impacts of conflict and displacement, as well as the growth of the Internet and

²⁷ Ibid. para. 19.

²⁸ IEMI Report, A/HRC/25/56, paras. 30 and 90.

²⁹ United Nations, A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development; The Report of the High Level Panel of Eminent Persons on the Post-2015 Sustainable Development Agenda, New York, United Nations, 2013, Executive Summary.

³⁰ Report of the Independent Expert on Minority Issues, A/HRC/22/49, HRC 22nd Session, 31/12/2012.

³¹ Report of the Independent Expert on Minority Issues, A/HRC/25/56, HRC 25th Session, 06/01/2014, para 8.

³² Press Release, Geneva, 12 March 2013.

web-based information, as having a direct and detrimental impact on minority languages and linguistic diversity.

The IEMI has continued to collect information on good practices from all regions on issues relating to recognition of minority languages and linguistic rights and use of minority languages in public life, education, media, public administration and judicial fields and provision of information and services in minority languages.³³ Further to a roundtable discussion on linguistic minorities with Member States, NGOs, representative of academia and linguistic minority communities involving over 60 participants, work has begun to prepare a practical guide and a compilation of effective practices to assist policy-makers and others. The guide is scheduled for publication in mid-2014 following further consultations.³⁴

Language issues have also been raised by special procedures mandate holders with respect to specific country situations. For example, the Special Rapporteur on the human rights situation in Belarus noted concerns regarding limited use of the Belarusian language in education and cultural life because of seemingly concerted effort to restrict promotion of the language and national identity through cultural activities and unofficial commemorations.³⁵ Language issues are also examined in the Report of the IEMI on her country visit to Cameroon as discussed below.

Combatting racism, hatred and intolerance: On 14 and 15 May 2013, the Independent Expert participated in the conference “Right-wing Extremism and Hate Crime: Minorities under Pressure in Europe and Beyond” in Oslo. She spoke about the importance of early action to confront hateful messages.³⁶ Prior to the session of the Forum on Minority Issues in November 2013, the Independent Expert hosted a public event “How can you fight hate and intolerance?” The event included the screening of short films from the project “Not in Our Town”, focused on how different communities have mobilized to confront hatred and intolerance. The event and discussion presented positive examples of how individuals and communities can take practical action. The Independent Expert plans to host a similar event on an annual basis.³⁷

The IEMI also had occasion (along with the SR on contemporary forms of discrimination and the SR on the rights to freedom of peaceful assembly) to welcome the decision of the European Court of Human Rights that signalled clearly that associations that convey radical extreme-right messages have no place in democratic societies. The case of *Vona v. Hungary* concerned Hungary’s decision to dissolve the Hungarian Guard Association which was engaged in anti-Roma and anti-Semitic rhetoric, including the organisation of rallies inciting racial hatred and discrimination. The Court concluded that the messages the

³³ IEMI Report, A/HRC/25/56, HRC 25th Session, para 8.

³⁴ Ibid, para. 9.

³⁵ Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/26/44, HRC 26th Session, 22/04/2014.

³⁶ IEMI Report, A/HRC/25/56, para. 20.

³⁷ IEMI Report, A/HRC/25/56, para. 23.

Association had repeatedly conveyed were of such a grave and intimidatory nature for the targeted groups that action was necessary and justified.³⁸

On 21 November, a statement was issued regarding the Dutch cultural tradition of celebrations of the arrival of Sinterklaas and his servant, Zwarte Piet (Black Pete) – a practice which, it said, perpetuates negative stereotypes of Africans and people of African descent.³⁹ The Government was urged to support and facilitate an open debate in Dutch society by establishing a dedicated platform for this discussion, with a view to identify steps that might respond to the views and concerns of all.⁴⁰ Social media sites used by the IEMI also provided a platform for this debate with some 13,000 people following the discussion on her Facebook page within just a few days and around 500 comments and messages being sent to the Independent Expert directly on this matter.⁴¹

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance continued to draw attention to the issue of manifestations of racism and hate on the Internet and social media networks. Building upon a preliminary examination of the issue in his report to the General Assembly⁴², the SR issued an updated analysis illustrating some of the more recent manifestations of this phenomenon. The report discusses the applicable legislation and standards at the international, regional and national levels, but also through the norms of some key providers of social media platforms available on the Internet. Drawing from studies and from an expert meeting convened by the SR in New York on 11-12 November 2013, with the participation of academics, representatives of Internet and social media providers and civil society, the report provides an updated overview of the remaining challenges and some good practices in the fight against racism and discrimination on and through the Internet. It highlights concerns about the rising number of incidents of racist violence and crimes against, in particular, ethnic and religious minorities and migrants, and the lack of adequate data on such violence and crimes.

According to the SR, extremist groups and movements, particularly far-right movements, use the Internet and social media networks not only as a means to disseminate hate speech and incite racial violence and abuse against specific groups of individuals, but also as a recruitment platform for potential new members.⁴³ He also notes that the situation of marginalized persons and groups who are discriminated against on the Internet and social media largely reflects the challenges they face in the real world. “While Internet technology has helped to connect and empower minority groups and individuals, it has also increased their vulnerability by collecting their personal information, which can be accessed by extremists, allowing the groups to extend their reach.”⁴⁴ Examples of measures taken by civil society to respond to the use of the Internet

³⁸ Press Release, Geneva, 26 July 2013.

³⁹ Black Pete & Sinterklaas: UN experts encourage respectful national debate on Dutch tradition, Geneva, 21 November 2013.

⁴⁰ IEMI Report, A/HRC/25/56, para. 26.

⁴¹ *Ibid.*, para. 24.

⁴² U. n DocA/67/326.

⁴³ Report of the SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance A/HRC/26/49, 26th Session HRC, 2014, paras. 2 and 17.

⁴⁴ *Ibid.*, para. 21.

and social media to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance are provided in the report.⁴⁵

The SR on contemporary forms of racism also issued a report on latest developments with regard to human rights and democratic challenges that extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements continue to pose.⁴⁶ The SR expressed particular concern about the scapegoating stigmatization of minority groups in the context of the ongoing economic and financial crisis.⁴⁷

Education: In 2013, the SR on contemporary forms of racism recalled the importance of education to counter the dissemination of ideas based on racial superiority hatred and to promote the values of equality, non-discrimination, diversity, democracy and respect for all.⁴⁸ This theme was developed in a report focusing on the role and place of education in preventing racism, racial discrimination, xenophobia and related intolerance.⁴⁹ The report discusses barriers to accessing education experienced by members of minorities and the need to ensure them adequate opportunities for mother tongue instruction and to establish and maintain their own educational institutions.⁵⁰ It also addresses issues of segregation in schools which remains a challenge particularly for Rom children.⁵¹ Structural discrimination affecting people of African descent, as well as widespread discrimination against Dalits in the educational system in caste-affected countries and are also highlighted as major challenges.⁵²

In this connection, the Working Group of Experts on People of African Descent urged states to revise current curricula and teaching materials and develop ones which respect and recognize the history of people of African descent.⁵³ Other recommendations include the promotion of new technologies and distance learning, increasing the number of teachers of African descent, and development of a truly inclusive classroom pedagogy. It is also recommended that the UN OHCHR include in its anti-racial discrimination database information on existing legislation, policies and programmes for the promotion of equal access to education by people of African descent.

The SR in the field of cultural rights also addressed education issues impacting on minorities including with regard to the writing and teaching of history, with a particular focus on the development and use of history textbooks and supplementary teaching materials.⁵⁴

⁴⁵ See section III D.

⁴⁶ Report of the SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly Resolution 67/154, UN Doc. A/HRC/23/24, 26 March 2013.

⁴⁷ *Ibid*, paras. 7-9.

⁴⁸ *Ibid*, para. 14.

⁴⁹ Report of the SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, UN Doc A/HRC/23/56, 2 April 2013.

⁵⁰ *Ibid*, paras. 38-39.

⁵¹ *Ibid*, paras. 41-42.

⁵² *Ibid*, paras. 43-47.

⁵³ Working Group of Experts on People of African Descent on its twelfth session, UN Doc. A/HRC/24/52, 15 July 2013 summary

⁵⁴ Report of the Special Rapporteur in the field of cultural rights, UN Doc. A/68/296, 9 August 2013.

Preventing genocide and mass atrocities: The IEMI held consultations with the Special Adviser on the Prevention of Genocide, Adama Dieng, to identify ways in which their respective mandates might strengthen their collaboration in the area of prevention of genocide and mass atrocities. She invited Mr. Dieng to attend the Forum on Minority Issues and to deliver a keynote speech in which he recognized that populations are often targeted based on their identity or religious belief and expressed concern over religious and sectarian tensions in the Central African Republic, Egypt, Myanmar and the Syrian Arab Republic (see also section below on urgent country situations).⁵⁵

B. Special Focus on Vulnerable groups

Roma and Travellers: While the situation of the Roma is more and more on the international human rights agenda, in many parts of the world, particularly in Europe,⁵⁶ Roma people continue to experience widespread and enduring discrimination, rejection, social exclusion and marginalisation in all areas of life.⁵⁷ To mark international Roma day the IEMI issued a Press Release drawing attention to the range of issues faced by Roma around the world.⁵⁸ The IEMI also responded to media coverage of high profile cases involving the removal of Roma children from their families based on suspicions that they had been abducted based on simplistic notions of the right eye and hair colour for a Roma individual. She called on the media and political figures to refrain from dangerous stereotyping of Roma as criminals, which can only serve to further stigmatise and even trigger violence against Roma individuals and communities, noting that: “At this time of economic crisis and disillusionment, the last thing we need is further scapegoating of those who are already marginalised”.⁵⁹

The IEMI and other special mandate holders also had cause to issue communications⁶⁰ regarding the situation of Roma in specific country situations in relation to: alleged repeated attacks by far right groups targeting Roma Communities in several cities in the Czech Republic which required police action;⁶¹ allegations concerning police violence and harassment against the inhabitants of a Roma settlement in Eastern Slovakia, including physical injury and destruction of property and failure of local health services to provide medical to those injured;⁶² eviction of a Roma community in Ukraine in alleged violation of their right to adequate housing;⁶³ and allegations concerning the persistently deteriorating health condition of Irish Travellers in Ireland and the

⁵⁵ IEMI Report, A/HRC/25/56, para. 18.

⁵⁶ Press Release, Geneva, 8 April 2013.

⁵⁷ Protection of Roma, Russian Federation Draft Resolution, A/HRC/26/L.11, HRC 26th Session, 20/06/2014

⁵⁸ Press Release, Geneva, 8 April 2013.

⁵⁹ Press Release, Geneva, 29 October 2013.

⁶⁰ For further details see: Communications Report of Special Procedures, A/HRC/25/74, 26th Session HRC, 24 February 2014.

⁶¹ Case No. CZE 3/2013.

⁶² Case No. SVK 1/2013.

⁶³ Case No. UKR 3/2013.

potential impact of austerity measures adopted by the Government in this regard.⁶⁴

The work of the IEMI in highlighting the situation of Roma should be placed against the background of broader UN developments. In June 2014, the Human Rights Council adopted a resolution on “Protection of the Roma” following an initiative sponsored by the Russian Federation. The resolution notably recognises the need to carry out a comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism. The Council invited the Special Rapporteur on minority issues to prepare the study with concrete recommendations, and to submit it to the Human Rights Council at its twenty-ninth session.

Likewise in terms of the UN effort to combat the entrenched discrimination faced by many Roma communities across Europe, another important focus of the UN institutions has been the development of a coordinated and systematic approach to the protection of the rights of the Roma in Europe. The UN Human Rights Office chairs the UN Regional Working Group on Roma. As part of this effort, the UN Human Rights Office also supported the organisation of a Panel discussion to mark the International Roma Day on the 8th of April 2014. In 2013, a study was produced by the Roma Regional Working Group and the UN Development Group with the aim of reviewing all the activities undertaken by UN institutions to support the inclusion of the Roma in Europe. The study highlights that improving the Roma’s situation requires developing policies that tackle all aspects of their social exclusion through an integrated antidiscrimination approach, including the areas of employment, housing, education and health. It reviews the UN action in this area and praises its role notably as a catalyser between different institutions.⁶⁵

Dalits: The IEMI continued to raise awareness about discrimination on the basis of work and descent. In May 2013 she led a joint statement with other UN independent experts calling for strengthened protection of the Dalits of South Asia who constitute the majority of victims of entrenched caste-based discrimination systems affecting some 260 million stigmatized people worldwide.⁶⁶ The experts urged governments to adopt legislation to prevent and punish caste-based discrimination and violence and to implement legislation where it exists. “Political leadership, targeted action and adequate resources should be devoted to resolving the long-standing problems, discrimination and exclusion faced by Dalits and similarly affected communities in the world”, they stressed.⁶⁷ Welcoming the acknowledgement of caste-based discrimination as a source of inequality by the global consultation on the post-2015 development agenda, they also expressed hope that the agenda will include specific goals for the advancement of Dalits and particularly-affected communities noting that

⁶⁴ Case No. IRL 2/2013.

⁶⁵ The Role of the United Nations in Advancing Roma Inclusion (February 2013), A joint position paper produced by the Roma Regional Working Group of the United Nations Development Program working in the Europe and Central Asia Region, established by the UN Regional Directors' Team. Available at:

<http://www.europe.ohchr.org/Documents/Publications/RomaInclusion.pdf>

⁶⁶ Press Release, Geneva, 24 May 2013.

⁶⁷ Ibid.

tailored action will be required to lift them out of poverty and close the inequality gap.⁶⁸

People living with albinism: On 4 May 2013, the IEMI initiated a joint statement calling for greater protection of people with albinism especially those living in Africa, recognizing that their lifelong stigmatization and marginalization is extreme and noting concern over attacks against them.⁶⁹ While noting that people living with Albinism do not fall under the internationally accepted definition of minorities, she said that that the lifelong social exclusion and general discrimination they face is a similar experience to vulnerable racial minorities because of their different skin colour. The need to ensure people living with albinism enjoy their human rights without distinction and have the same opportunities as others regardless of their skin colour was reinforced by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The experts called upon the OHCHR to study the root causes of discrimination and attacks on persons with albinism and called on world governments to raise awareness and educate the public at large about the true nature of albinism and the needs of people living with albinism. They also drew attention to dedicated national days such as exists in Tanzania as a useful mechanism for drawing attention to the issue and triggering public debate.⁷⁰

Women and girls: The Independent Expert participated in a number of conferences and events on the issues of minority women and girls. She used her participation to raise awareness about mechanisms in the United Nations human rights system for the protection of women and how they can be used effectively, and to introduce the recommendations of the fourth session of the Forum on Minority Issues that focused on the rights of minority women and girls.⁷¹

Youth: Throughout 2013, the Independent Expert enhanced efforts to reach out to young people belonging to minorities. She gave lectures and presentations to youth and student groups (among others at the Central European University in Budapest and Fordham Law School in New York) and participated in youth events, including a youth festival in Hungary, to discuss minorities and hate speech. She met and participated in the closing of the OHCHR Minority Fellowship Programme and as a former fellow herself, encouraged other fellows to take up leadership roles.⁷²

C. Country visits

In 2013 the IEMI undertook a single country visit to assess the situation of minorities in Cameroon against the 1992 Declaration on Minorities and other relevant international standards and elaborate conclusions and recommendations for the Government and other relevant actors.

⁶⁸ Ibid.

⁶⁹ Press Release, Geneva, 13 May 2013.

⁷⁰ Press Release, Geneva, 4 May 2013.

⁷¹ For details of the specific events see the IEMI Report, A/HRC/25/56, paras. 10-11.

⁷² IEMI Report, A/HRC/25/56, para. 22.

Cameroon: Reporting on her country visit to Cameroon in September 2013, the IEMI characterized Cameroon as in many respects a positive example of how a highly diverse society in the region can be managed (there are more than 250 ethnic groups speaking many different languages and practicing different faiths.)⁷³ She also welcomed the Government's openness to discuss remaining challenges concerning the situation of minorities and to and to involve minorities themselves in shaping effective solutions.

Data: As an important measure to this end, the IEMI urged the Government to fully record and gather regular disaggregated social and economic data, including in the census, to map the country's diversity and help reveal challenges faced by certain population groups.⁷⁴ The lack of accurate information on the numbers and situation of Pygmies, the Mbororo and Montagnards is noted in particular, while the challenges in gathering data on those living in remote areas or leading nomadic lifestyles are acknowledged.⁷⁵

General and cross-cutting minority rights concerns: In addition to the need for disaggregated data noted above, other cross-cutting issues affecting minority and indigenous communities discussed in the report relate to:

- Low levels of birth registration and poor access to identity cards which renders many members of minority and indigenous communities effectively stateless and hinders access to services. The report notes some commendable initiatives of the Government in collaboration with international NGOs aimed at addressing this situation.⁷⁶
- Challenges in accessing education and health care faced by certain minority communities, especially those in living in remote or forest localities or leading a nomadic lifestyle.⁷⁷ Language issues for those whose mother tongue if not used in schools are among the barriers to education that hamper access and have a negative impact on outcomes and literacy levels. Location, lack of funds, and fear of discrimination are among the factors that limit access to health care for remote and nomadic communities.
- Limited participation in public life and gross under-representation of certain ethnic groups on political, administrative and decision-making structures.⁷⁸ Contributing factors include low levels of education, language issues and poverty. Government awareness-raising measures to encourage participation and help achieve appropriate representation of all population groups on electoral lists and involve minorities in electoral processes are noted in the report.

⁷³ For the full report see: Report of the IEMI, Mission to Cameroon (2 -11 September 2013), A/HRC/25/56/Add.1, 25th Session HRC, 31 January 2014.

⁷⁴ Ibid, para. 18.

⁷⁵ Ibid, para. 20.

⁷⁶ Ibid, paras. 21-4.

⁷⁷ Ibid, paras. 25- 28.

⁷⁸ Ibid, paras. 29-31.

- Customary law and leadership structures which can impact negatively on particular ethnic and religious minority groups that fall under the customary practices of a more dominant group.⁷⁹

*Situation of vulnerable communities:*⁸⁰ The report details specific challenges faced by Pygmy and Mbororo communities who identify as indigenous and are among the poorest in Cameroon. Many of these relate to land access, occupation, ownership and livelihoods. According to the IEMI, dialogue and a review of current legislation is required to secure essential land rights.⁸¹

In this respect, the report highlights the severe challenges faced by Pygmy communities relating to their removal from ancestral forest habitats to make way for logging and development projects and the loss of their hunter-gatherer lifestyle. Resettled in villages and camps outside the forest they face discrimination, marginalization and numerous social problems. In some cases they face exploitation for their labour or are subject to abuse by others who see them as backward and undeveloped. The Mbororo community also face significant land-related challenges, particularly with regard to the maintenance of their traditionally pastoralist lifestyle (though many are now settled). They claim that large areas of grazing land are being lost to foreign agro-business, including some foreign-owned companies, without free, prior and informed consent, while concerns also exist over the establishment of national parks. Conflicts between farmers, ranchers and herders are also a major issue for the Mbororo and the Government should therefore seek solutions to land disputes in consultation with the communities concerned.

The Montagnards, which comprise various ethnic groups, also face particular challenges due to their cultural and social marginalization, economic situation and high incidence of poverty, and their underrepresentation in political, decision-making and administrative bodies. Historically, the Montagnards have always had a lower economic and social status than other communities, a condition that continues to this day. The Montagnards are Christians or followers of traditional African religions and some reports allege that they are subject to religious-based discrimination by dominant Muslim communities. Some groups have allegedly been displaced from their lands by government projects, without compensation. The IEMI notes that these and a range of other problems that this minority group faces require investigation and attention.

In highlighting the issues faced by these vulnerable communities, the report provides a valuable case study of the challenges experienced by many minority and indigenous communities in the face of increasing competition for land and natural resources from national and international actors.

Linguistic minorities: In her report, the IEMI also expressed concern over the decline in use of some of the country's many mother-tongue languages and highlighted positive initiatives to record and maintain these languages. While a national bi-lingual (French and English) language policy exists, Anglophone

⁷⁹ Ibid, paras. 32-34.

⁸⁰ See Sections V-VII for details.

⁸¹ Ibid, Report Summary.

representatives allege discrimination in terms of access to employment and political appointments.⁸²

Religious minorities: While freedom of religion is reportedly generally evident, the IEMI report also notes complaints of Pentecostal church leaders about the closure of some churches and about discriminatory registration processes and calls for clearer criteria and adequate registration timeframes to be established and respected.⁸³

II. Sixth Session of the Forum on Minority Issues and the work of the SR on freedom of religion or belief

Pursuant to Human Rights Council resolution 6/15 of 28 September 2007 as renewed by resolution 19/23 of 23 March 2012, the Forum on Minority Issues (FMI) provides a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the IEMI. Its mandate includes the identification and analysis of best practices, challenges, opportunities and initiatives for the further implementation of the Declaration. The FMI is guided by IEMI, and meets annually for two working days dedicated to thematic discussions. The sixth session of the Forum took place on 26 and 27 November 2013 and focused on "Guaranteeing the rights of religious minorities." The recommendations of the Forum were presented by the IEMI to the Human Rights Council at its 25th Regular Session in March 2014.⁸⁴ The key issues which the recommendations seek to address are considered in this section. Generally, the themes discussed at the FMI are also intertwined with various aspects of the work undertaken by the SR on freedom of religion or belief, Mr. Heiner Bielefeldt. In this regard, reference will also be made to Bielefeldt's recommendations which are contained in his 2013 Report, where relevant.⁸⁵

General recommendations: In its recommendations, the FMI stated that the provisions of the Declaration should be incorporated by states into domestic legislation and that all states should fully implement the Declaration with sufficient consideration to the situation of religious minorities within the country. The FMI called for all rights under the Declaration to be implemented and guaranteed to members of religious minorities, and for states to recognise that these rights not only include, but also extend beyond the right to freedom of religion or belief. The FMI also called for states to fully comply with and

⁸² See Section IX of the Report.

⁸³ See Section VIII of the Report.

⁸⁴ Recommendations of the Forum on Minority Issues at its sixth session: Guaranteeing the rights of religious minorities (26 and 27 November 2013), A/HRC/25/66, twenty-fifth session, HRC, 22 January 2014.

⁸⁵ For the full report see: Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, A/HRC/25/58, twenty-fifth session, HRC, 26 December 2013.

implement Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and all other international standards which address freedom of religion or belief that give specific consideration to the concerns of religious minorities.

Implementation of international standards in domestic legislation: A review of existing domestic legislation was also recommended to make certain that no provisions exist either directly or indirectly that would have a discriminatory effect on religious minorities. The FMI urged states to adopt anti-discrimination legislation to protect religious minorities against direct and indirect discrimination, ensure that the legislation is implemented and that remedies are available as well as adequate penalties where there is violation of the legislation. The FMI also noted that states should not unduly influence religious minority affairs such as the appointment of religious leaders, functioning of places of worship and any religion or belief based activities. The adoption and implementation of laws and adequate penalties which would protect religious minorities against incitement to religious hatred, discrimination, hostility and violence was also encouraged.

Policies and programmes: The FMI also recommended that government policies and programmes reflect the commitment by states to protect the rights of religious minorities and address the issues that concern them. This would include minority rights-based approaches, recognising that persons belonging to religious minorities may require special attention and a positive approach which would guarantee their rights to non-discrimination and societal equality. The FMI also recommended the establishment of a specially mandated ombudsman or institution with the responsibility of receiving complaints and investigating violations of the rights of religious minorities by individuals and the State. Initiatives to raise awareness of issues that affect religious minorities were also recommended such as campaigns to inform on the rights of religious minorities; activities which promote the Declaration; relevant national legislation and information on the services of existing specialized minority-rights and equality institutions. In this regard states were encouraged to adopt measures in accordance with the Declaration to encourage knowledge of the religions, history, traditions, language and culture of religious minorities that exist within the territory. Consequently, arrangements for cultural and political autonomy where religious minorities form the majority in a particular region or locality were moreover suggested. The FMI also urged states to adopt measures to implement the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Bielefeldt has viewed the effectiveness of policy to address religious hatred and its root causes as being subject to the extent of freedom of religion or belief within the society. In his 2013 Report he advocated the respect of freedom of religion or belief as being a critical element in the enhancement of the public institutional infrastructure and its components such as the courts, ombudsmen, national human rights institutions and international monitoring bodies. He has

also called for states to provide a framework which denies exclusivity and instead encourages an inclusive approach in promoting the unfolding of religious or belief pluralism without fear of discrimination. An inherent danger identified is the infusing of religion into politics which seek to promote a national identity by appealing to a sentiment of a singular religious cohesion. This practice has been identified as having the potential to increase the risk of discrimination against minorities, immigrant religious communities and new religious movements who would be stigmatized as having the potential to disrupt national unity shaped by a dominant religious identity.

Consultation and participation: The FMI noted that the inclusion of religious minorities in consultative and decision-making bodies would help to ensure that their perspectives are taken into account, and encouraged states to facilitate the process for discussions and exchanges relevant to religious minorities. The FMI also recommended improvement of the representation of minorities in society through targeted recruitment and training initiatives, and in oversight and regulatory bodies such as law enforcement, political institutions and the media. In the area of education, states were encouraged to ensure equal access to those belonging to religious minorities. Collaboration between the government and religious minority groups should be undertaken to ensure the development of educational materials relevant to religious minorities and the incorporation of religious minority topics in the school curricula.

Supporting the position of the FMI, the SR on freedom of religion or belief has also called for state implementation of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. An effective approach in implementing this plan appears to be the participation and combined effort of all relevant stakeholders such as religious communities, civil society organizations, human rights institutions, media representatives and education professionals. Indeed, critical to the success in implementing the Rabat Plan of Action would be the building of societal resilience against representations of religious hatred, such as political and religious leaders refraining from the use of messages of hatred and intolerance or any forms of expressions which would incite collective religious hatred and violence. Alternatively, these political and religious leaders would need to recognise their role in speaking against collective religious hatred and violence.

Prevention of violence and protection of the security of religious minorities: The FMI advised states to take immediate action to protect the rights and security of those persons belonging to religious minorities who are under threat, and to prosecute those who commit, support or incite violence against religious minorities. States should also, where necessary, actively cooperate with existing United Nations early warning mechanisms such as the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to Protect with regard to the prevention of violence against persons belonging to religious minorities. Addressing situations of conflict, the FMI urged states to give particular attention to the situation and security of persons belonging to religious minorities, and encourage efforts to reintegrate those religious communities that have been internally displaced, allow access to all places of

worship and other religious sites and ensure the protection of religious minorities present in the territory.

Interfaith dialogue, consultation and exchange: States were also urged to establish or facilitate national and regional institutions focused on encouraging inter-faith dialogue as well as projects aimed at promoting a culture of understanding and acceptance. Also encouraged was the establishment of platforms for dialogue to allow representatives of religious groups to meet regularly to discuss issues of common concern. This would promote the idea of religious and political leaders as having the potential to help build tolerant and inclusive societies, particularly for harnessing the aforementioned initiatives and activities. The use of different method of communication to advance interfaith dialogue and exchange, such as the media, the arts and local institutions was also advocated by the FMI.

The work of the SR on freedom of religion or belief has also addressed issues of consultation and participation of religious minorities as also raised by the FMI. In this area, he has viewed communication as an aspect of trust building which would allow for freedom of religion or belief to be fostered in the areas of intergroup communication, outreach activities of states towards religious communities and the creation of an environment which would facilitate public debates on religious issues. Bielefeldt has called for further exploration into the potential of interreligious communication being able to shape policy which would assist in the elimination of religious hatred, noting that his observations in this area have not gone beyond attitudes of moderate support for organized activities. He has cited for instance his experience of a visit to the Republic of Moldova in 2011 where he attended a meeting convened by the Ministry of Justice which included various religious leaders, and felt that an uneasy atmosphere amongst the participants indicated that a culture of interreligious communication needed to be inculcated in that country. State initiative through outreach activities as well as the ability of religious communities to access representatives of the government has been attributed to Bielefeldt as a channel which would help crisis prevention.

In addition to the sixth FMI dedicated to the rights of religious minorities and the report of the special rapporteur to the General Assembly on minority rights-based approaches to the protection and promotion of the rights of religious minorities⁸⁶ as discussed above, many of the UN special mandate holders undertook activities focused on the rights of religious minorities in specific country situations. In the case of Bangladesh, for example, attacks against the Hindu minority were highlighted as of serious concern in the context of large-scale protests and worrying levels of violence related to the Bangladesh International Crimes Tribunal's trials and verdicts. The Special Rapporteurs on freedom of religion and on adequate housing emphasised the need to ensure the rights and freedoms of this community and expressed particular alarm at the destruction of Hindu temples and homes.⁸⁷ Sectarian violence between Christian and Muslim communities and the rapidly deteriorating human rights and humanitarian situation in the Central African Republic likewise prompted the

⁸⁶ A/68/268, 68th Session GA, 23 October 2013.

⁸⁷ Press Release, Geneva, 29 March 2013.

Independent Expert on Minority Issues to issue a call for an immediate and unconditional halt to the violence.⁸⁸ The plight of religious minorities in a number of other countries is discussed in further detail below in Section IV documenting the activities of UN bodies and institutions in response to urgent situations such as Iraq, Myanmar and Syria.

III. Other UN led Developments

International instruments

In May 2013, a group of UN human rights experts including the IEMI urged world governments to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights following its entry into force after being ratified by 10 states forming a “club of social justice”.⁸⁹ This development is significant for social and economically marginalized minorities and those whose cultural rights are threatened. Cultural rights of particular relevance for minorities are protected in Article 15 on the right to take part in cultural life and in Article 13 on education, whereby States Parties: “agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.” They also undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Regional frameworks

Following up on a recommendation made at the fifth Forum on Minority Issues, the IEMI attended the fifty-third session of the African Commission on Human and Peoples’ Rights in Banjul, in April 2013. She held a consultation with the Working Group on Indigenous Populations/Communities in Africa and noted with appreciation its openness to engaging in further dialogue concerning minority issues. She addressed the NGO forum and advised civil society representatives about opportunities for cooperation with her mandate, the United Nations human rights system and the Forum on Minority Issues and encouraged Governmental and NGO representatives to attend future Forum sessions.⁹⁰ In a public statement, the IEMI warned that the debate on who do or not constitute minorities or indigenous peoples in Africa should not prevent stakeholders from addressing the extremely vulnerable situation of hundreds of minority communities across the region.⁹¹ This is not only a matter of equality and justice, it is also important from a peace and security perspective: “Fulfilling the rights of minorities is an essential means to prevent tensions from emerging

⁸⁸ Press Release, Geneva, 19 December 2013 issued by the IEMI along with the SRs on: violence against women; on extrajudicial, summary or arbitrary executions; on the human rights of internally displaced persons; and on freedom of religion and belief.

⁸⁹ These are: Argentina, Bolivia, Bosnia and Herzegovina, Ecuador, El Salvador, Mongolia, Portugal, Slovakia, Spain and Uruguay

⁹⁰ IEMI Report, A/HRC/25/56, para. 16.

⁹¹ Press Release, Banjul, 11 April 2013

and is a key element of good governance”. The IEMI drew attention to the 70 recommendations issued by the UN Human Rights Council regarding minority issues in up to 30 African countries – most of which have been accepted by the states concerned – and questioned who would now assist those states in fulfilling their obligations and who would hold them accountable.⁹² The IEMI described her participation in the African Commission’s 53rd session as a first step towards a closer collaboration with the African Human Rights System. She intends to continue her engagement with the Commission and African human rights actors and produce a report on minority issues in the African region.⁹³

The UN Guidance Note

The United Nations Network on racial discrimination and the protection of minorities was established in 2012 as part of the efforts to mark the 20th anniversary of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. The aim of the UN Network is to enhance dialogue and cooperation between all the relevant UN Departments, Agencies, Programmes and Funds. As part of this effort, one of the goals of the network was to develop a guidance note for the UN system on how to address racial discrimination and protection of minorities. The Secretary General formally endorsed the guidance note in March 2013. The Guidance Note sets out guiding principles and framework for UN action with a view to ensuring a comprehensive and coherent UN approach from headquarters to regional and country presences.⁹⁴

It contains 19 recommendations for the UN system on how to address racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights, the UN Declaration on Minority Rights and other key standards, drawing from effective practices. The Guidance Note also establishes a list of key areas for UN action. It is worth noting that the first area of focus is on supporting constitution making and other legal frameworks at the national level. In this the guidance recognises that legal changes at the national level probably constitute the most important vehicle to protect minorities. As noted: “Constitution-making processes by definition provide opportunities to shape a common vision on the future of a country, and entry points for introducing strong anti-discrimination guarantees and normative protection of minorities.”⁹⁵ Within the keys areas of focus it is also worth noting that regarding development programming, the Guidance Note calls for a much more localised approach to support the inclusion of minorities into development programing. It states that “the UN system should pursue and support mapping and analysis exercises to determine: the situation of each marginalized minority group; the impact on minorities of marginalization and exclusion; the root causes of inequality and exclusion; the differences in women’s and men’s experiences and the existence and nature of civil society organizations that articulate the

⁹² Ibid.

⁹³ IEMI Report, A/HRC/25/56, para. 17.

⁹⁴ Guidance Note of the Secretary-General on Racial Discrimination and Protection of Minorities (hereinafter Guidance Note), United Nations, March 2013, available at:

<http://www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf>

⁹⁵ Guidance Note, para. 28

concerns of minorities.”⁹⁶ But overall, in terms of the content the Guidance Note do not represent any ground-breaking advances as they rely mainly on existing programme of actions, but they do represent an effort to offer a unified UN guidance on how to approach minority rights. While it is hard to judge yet their impact on UN institutions focus on minority rights, it is nonetheless significant that so far over 20 UN institutions have joined the initiative.

IV. Urgent Country Situations

Several situations have flared up during the year 2013 regarding the security of many minorities across the globe. On top of the country situations examined by the Special Rapporteur on minority issues (see above), this section focuses on situations which have raised a special focus from the UN institutions due to the situation of urgency faced by minorities.

Central African Republic

The situation in the Central African Republic (CAR) has raised the spectrum of a civil war between the different religious communities forming the country. In March 2013, a coalition of mainly Muslim forces known as the ‘Séléka’ forced the then President Bozizé to flee into exile. The ‘anti-Balaka’, a vigilante group of predominantly Christian faith reacted by attacking several Muslim dominated areas of the country. The violence quickly turned out to be inter-ethnic and inter-religious with Christians and Muslims launching reprisal attacks against each other in a number of places in a country that has never experienced such sectarian violence before. While a transitional arrangement was made to restore peace and pave the way for democratic elections, serious outbreaks of violence continued to take place across the country. In December 2013, several special rapporteurs, including the IEMI, called for an immediate stop to the violence with the fear that the situation “threatens to descend into a full-scale sectarian conflict between Christian and Muslim communities”.⁹⁷

Following investigations undertaken in December 2013, a team of UN Human Rights investigators found that large-scale killings of Christian and Muslim civilians were carried out on 5-6 December 2013 in the capital Bangui and Bossangoa, and that smaller scale retaliatory attacks have continued since.⁹⁸ While it is hard to get exact figures of the atrocities, most reports highlight that a very high number of people have been killed since the conflict began, while about 650,000 people have been internally displaced and some 220,000 forced to seek refuge abroad. In March 2014, the UN High Commissioner for Human

⁹⁶ Guidance Note, para. 38

⁹⁷ UN Press Release, “Central African Republic: UN rights experts urge all sides to step back from the brink of all-out conflict”, 19 December 2013, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14125&LangID=E>

⁹⁸ “Civilians deliberately targeted in large-scale killings in Central African Republic”,

<http://www.ohchr.org/EN/NewsEvents/Pages/Civiliansdeliberatelytargetedinlarge-scalekillingsinCAR.aspx>

Rights, Navi Pillay met with Pastor Nicolas Guerekoyamene-Gbangou, President of the Evangelical Alliance of CAR and Imam Oumar Kobine Layama, President of the Islamic Council in CAR. The meeting's purpose was to discuss the human rights situation in CAR and the role religious communities can play in the future reconciliation process.

More recently, in April 2014, the Special Rapporteurs on the human rights of internally displaced persons and on minority issues have issued a joint statement highlighting the danger of forcing the Muslim communities into exile as a solution warning about the risk of protracted displacement and further divisions amongst communities. As they highlighted in their joint statement, it is necessary to consult and make that the communities are fully aware and not forced to be displaced. As they noted: ““Evacuations have to be decided on a case by case basis, with the full individual consent of the persons concerned and it is important that everyone has the right to decide to stay or to evacuate with the guarantee of return in safety and dignity once conditions allow.””⁹⁹

Myanmar

As it was noted in the previous edition of the yearbook, the situation in Myanmar and more specifically in the Rakhine state over the past few years has received increased attention from the Human Rights Council and the Special Procedures mandate holders as well as High Commissioner Office. The situation has not improved in the last year, and the UN mandate holders have kept a high level of scrutiny on the situation in the country. There have been several outbreaks of inter-communal violence which have revealed a growing polarization between Muslim and Buddhist communities. The Rohingya Muslim community is still facing systematic discrimination, including restrictions in the freedom of movement, access to land, food, water, education and health care, marriages and birth registration.

The SR on the situation of human rights in Myanmar has continued to investigate and report on: the situation of minority groups in ethnic border areas; the situation in Rakhine State, where violence between Buddhist and Rohingya Muslim populations have had a devastating impact; and discrimination and violence against Muslims in Myanmar more broadly.

Ethnic border areas: In his September 2013 report the SR welcomed the ceasefire agreed with armed ethnic groups, but emphasised the need for implementation through a transparent and inclusive political dialogue process, which should include local communities and women. Implementation should include monitoring of the human rights and humanitarian situation with the support of the UN and SR.¹⁰⁰ Specific concerns raised with regard to the border areas include: humanitarian access to IDPs in areas outside Government control

⁹⁹ UN Press Release, “CAR: Evacuation of internally displaced populations should be used as a last resort, UN experts warn”, 25 April 2014, available at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14538&LangID=E>

¹⁰⁰ Report of the Special Rapporteur on the situation of human rights in Myanmar, 68th Session GA, A/68/397, 23 September 2013, para. 37. See also para. 38 of the SR's Report, A/HRC/25/64, Session, HRC, 2 April 2014.

in Kachin State; lack of conditions or safeguards needed for organized returns of IDPs, and lack of mine survey and clearance.¹⁰¹ The SR also looked into allegations of discrimination against Christian communities in Chin State. While recognising the generally harmonious relations between people of different faiths and beliefs, he found that there is a degree of institutionalized discrimination against them in State government structures and administrative procedures, including discrimination in access to jobs, especially senior positions in the civil service.¹⁰²

Rakhine State: In his 2013 report the SR on Myanmar expressed his belief that Rakhine State continues to experience a profound crisis which is having a terrible impact physically and psychologically on everyone, including Buddhists.¹⁰³ He found little evidence that the Government has taken steps to tackle the underlying causes of the communal violence between the Buddhist and Muslim Rohingya communities. The SR expressed concern that the current separation and segregation of Muslim communities from other communities is becoming increasingly permanent and is being entrenched by Government action to consolidate camps, including through forces relocation.¹⁰⁴ In this respect, he welcomed efforts to involve mediating third parties to help improve communication between the Rohingya community and the Government and encouraged the Government to expand these initiatives as a means of short, medium and long-term solutions to the situation in Rakhine State.

In this period, the SR remained concerned about consistent and credible reports of widespread and systematic human rights violations carried out by State security forces and the failure to bring perpetrators to justice. He called upon the international community including the Human Rights Council to remain seized of the matter.¹⁰⁵ The SR believes that investigations conducted with the support and involvement of the international community, including in relation to technical assistance, represent an opportunity to turn the tide of impunity in Rakhine State.¹⁰⁶ According to the SR: “This culture of impunity is troubling given the vulnerability and marginalization of the Rohingya community owing to their lack of legal status in the country”.¹⁰⁷ In this connection, he also reiterated calls for reform of the Citizenship Act which currently lists 8 ‘national’ and 135 ‘ethnic’ groups, leading to discrimination in accessing citizenship for those not listed, including the Rohingya Muslims.¹⁰⁸

Other issues highlighted by the SR in 2013 include the threat of arbitrary arrest experienced by Muslim leaders in Sittwe following a recent verification exercise.¹⁰⁹ The SR is of the opinion that this exercise could be an important initiative to help address the citizenship issue, providing it is conducted in accordance with international human rights standards, including regarding

¹⁰¹ SR Report A/68/397, paras. 39-41.

¹⁰² SR Report A/68/397, para. 44.

¹⁰³ Ibid, para. 46.

¹⁰⁴ Ibid, para. 52.

¹⁰⁵ Ibid, paras. 47-9.

¹⁰⁶ SR Report, A/HRC/25/64, para. 48.

¹⁰⁷ SR Report A/68/397, para. 47.

¹⁰⁸ SR Report, A/HRC/25/64, para. 49.

¹⁰⁹ SR Report A/68/397, para. 54.

consultation with communities and the principle of self-identification.¹¹⁰ Arbitrary detention of Muslim men and boys following village sweeps by security forces after violence in 2012, unfair trial, and arbitrary and unjust convictions all continued to be of concern and the SR urged the Government to investigate and take remedial action.¹¹¹

The treatment of members of the Rohingya population in Rakhine State, including alleged arbitrary detention and arrests, ill-treatment in detention and violation of due process rights, was also raised in a series of joint communications in 2013. Cases relate specifically to treatment of Rohingya further to their protest against the 'population verification exercise', which reportedly required Muslims to be registered as 'Bengali' rather than under their preferred identification as Rohingya.¹¹² Allegations were also made regarding the arrest and incommunicado detention, inhumane and degrading treatment, torture, denial of access to medical treatment and lack of fair trial in line with international standards of an ethnic Kachan living in an internal displacement camp who was allegedly accused of being a member of the Kachin Independence Army.¹¹³

The IEMI has also drawn attention to the situation in Rakhine State as an example of the disproportionate impact of conflict on members of minorities. The killing of hundreds, the destruction of homes and property and the internal displacement of over 130,000 people, mostly minority Muslims, has had a catastrophic impact on their rights in terms of access to essential services and development, forcing many into a condition of extreme poverty and insecurity.¹¹⁴ As the SR on Myanmar noted, addressing the issue of underdevelopment and poverty including the sharing of benefits of the state's natural resources are integral to any solution in Rakhine State.¹¹⁵

In April 2014, following the increased reports emerging regarding the situation in the Rakhine State, several special rapporteurs, including the special rapporteur on minority issues, have called for special attention to the situation. The special rapporteurs highlighted that in their view the increased attacks against the Rohingya community could amount to crimes against humanity.¹¹⁶ As noted in the report of the special rapporteur on the human rights situation in Myanmar following her 10 days visit in early 2014: "Of particular concern is the health situation in Muslim IDP camps with reports of deaths due to the lack of access to emergency medical assistance and to preventable, chronic or pregnancy-related conditions."¹¹⁷

Religious Violence in Myanmar: The SR on Myanmar also expressed concern in 2013 about the spread of anti-Muslim sentiment across the country, including by academics and groups such as the 969 Movement, led by a prominent Buddhist monk, and the serious implications that this has had for the rights of Muslims in

¹¹⁰ SR Report, A/HRC/25/64, para. 50.

¹¹¹ SR Report A/68/397, para. 55.

¹¹² Case Nos. MMR 8/2013 and MMR 13/2013.

¹¹³ Case No. MMR 15/2013.

¹¹⁴ IEMI Report, A/HRC/25/56, para. 70

¹¹⁵ SR Report A/68/397, para. 56.

¹¹⁶ UN Press Release, "Myanmar: UN expert raises alarm on Rakhine State", 7th of April 2014, available at: <http://www.ohchr.org/en/newsevents/pages/displaynews.aspx?newsid=14476&langid=>

¹¹⁷

Myanmar, who make up approximately 5 per cent of the population.¹¹⁸ He urged the central and state government authorities to send strong, consistent and unambiguous public messages through print, broadcast and social media to counter the spread of discriminatory views of racial and religious minority groups in Myanmar, including the Rohingya Muslims. This should include messages from the highest authorities condemning discriminatory proposals such as the two-child policy for Muslims.¹¹⁹ With reference to anti-Muslim violence in Meiktila in the Mandalay region in March 2013, resulting in 43 deaths and the displacement of some 13,000 people, the SR urged the Government to investigate these incidents and the failure of police to respond and to hold those responsible to account.¹²⁰

Iran

The report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran drew attention to the situation of religious minorities including Baha'i, Gonabadi Dervish, Sunnis, Christians, Yarsan and Zoroastrians, as well as members of more newly formed groups such as Inter-Universalism. As of 3 January 2014 at least 307 members of religious minorities were in detention. Members of the official state religion, Shia Islam have also at times been imprisoned for their expression of theological beliefs that challenge those endorsed by the Government. The report documents patterns of persecution of these different communities, which include detention (in many cases on the basis of political or security crimes), multiple levels of discrimination including in the justice system, lack of recognition and legal status and limits on religious practices. Some Sunnis have alleged that their convictions were based on confessions made under torture.¹²¹

In 2013, the IEMI and SR on Iran in conjunction with other special mandate holders had cause to issue a number of communications regarding the situation of religious minorities in the Republic, specifically with regard to: alleged threats against the Central Assembly of God (AOG) Church in Tehran and harassment of its members;¹²² allegations concerning the revised penal code which provides for the use of the death penalty for some non-violent acts and discriminates against religious minorities;¹²³ and alleged imminent execution of four Kurdish men of Sunni Muslim faith after trials that did not comply with international standards, having reportedly been denied access to a lawyer before and during their trials, subjected to torture and ill-treatment and forced to sign confessions and papers.¹²⁴

In addition to the situation of religious minorities in Iran, the report of the SR on Iran also draws attention to the situation of the Ahwazi Arab, Kurdish, Baluch and Azerbaijani ethnic minority groups. He reports that as of January 2014 at least 50 ethnic rights defenders, 28 civic and cultural activists and 200

¹¹⁸ SR Report A/68/397, para. 58.

¹¹⁹ SR Report A/68/397, para. 53.

¹²⁰ Ibid. para, 60.

¹²¹ For more details see: Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, A/HRC/25/61, 25th Session HRC, 13 March 2014, Section C.

¹²² Case No. IRN 8/2013.

¹²³ Case No. IRN 9/2013.

¹²⁴ Case No. IRN 16/2013. See also IRN 23/2013 providing more details of the allegations in this case.

ethnic political activists were reported detained or imprisoned , many convicted of association of armed opposition groups. “Sources challenge the legality of these detentions and convictions, alleging torture and denial of fair trial standards for a majority of these individuals.”¹²⁵ Cases of particular concern relate to the imposition of the death penalty and execution of detainees, as well as reports of extra-judicial killings.¹²⁶ Many of these cases have also been the subject of communications issued specifically with respect to: alleged imminent risk of executions of members of the Ahwazi Arab Minority after proceedings that did not comply with international standards on fair trial and due process guarantees, as well as torture while in detention;¹²⁷ and alleged executions of 16 individuals of Baloch origin ‘in response’ to the killing of 14 border guards the day before.¹²⁸

Iraq

In her 2013 report the IEMI noted the huge impact of conflict and instability on minorities in Iraq, including for Muslim minorities, Baha’is, Christians, Armenians, Chaldo-Assyrians, Faili Kurds, Palestinians, Jews, Sabian Mandaean, Yazidis and others. Persecution, human rights violations and targeted attacks have led to vast numbers of internally displaced persons and a mass exodus of minority communities to neighbouring countries, where they continue to experience severe challenges and poverty.¹²⁹ The UNHCR in its 2013 Global Report on Iraq identified as people of concern long-staying refugees and asylum-seekers from Iran and Turkey, who are mostly of Kurdish origin, Palestinian refugees and tens of thousands of people in Iraq, mainly Faili Kurds and Bidoon who were thought to be stateless.¹³⁰

The SR on the human rights of internally displaced persons stressed in July 2014 that ongoing conflict in Iraq had displaced approximately 1.2 million people, most of whom are minority members who have fled the northwest of the country.¹³¹ The IEMI also expressed her concern about the physical safety of several minority groups in Iraq, including Christians, Shia, Shabaks, Turkmen, Yazidis and others who are being persecuted on the grounds of their religion and ethnicity.¹³² In August 2014 the UN Security Council welcomed the nomination of a new Prime Minister-designate as an “important step towards the formation of an inclusive Government that represents all segments of the Iraqi population and that contributes to finding a viable and sustainable solution to the country’s current challenges.”¹³³ During that month, it was estimated that at least 15,000

¹²⁵ Report of the SR on Iran, A/HRC/25/61, para. 44.

¹²⁶ See Section D paras. 44- 51 for details of specific cases.

¹²⁷ Case Nos. IRN 12/2103, 14/2013 and 18/2013.

¹²⁸ Case No. IRN 21/2013.

¹²⁹ IEMI Report, A/HRC/25/56, par. 69.

¹³⁰ UNHCR 2013 Global Report – Iraq available at <http://www.unhcr.org/539809f7b.html>

¹³¹ See

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14904&LangID=E>

¹³² Ibid

¹³³ Security Council Press Statement, New York, 13 August 2014.

people from the Yazidi minority had taken shelter in Syria, where UNHCR is working with local NGOs and UN partners to provide aid.¹³⁴

Somalia

In 2013, the Independent Expert on the situation of human rights in Somalia reported that during outbreaks of fighting, it is members of minority groups who suffer most. They fall outside the clan structure, and therefore outside its umbrella of protection. They are also vulnerable to increased risk of rape, attack, abduction and having their property seized by criminals in an increased atmosphere of lawlessness. The situation of minority women in IDP camps has been especially grave due to the heightened threat of rape and sexual violence. In addition, it is noted, some minorities have suffered religious persecution and systematic confiscation of their lands and properties because of their distinct ethnic identity.¹³⁵

Syria: According to the IEMI, in the Syrian Arab Republic, the full extent of unrest and conflict on minorities is becoming evident and has far-reaching implications for their rights and security. UN Secretary General Ban Ki-moon in an official statement in December 2013 expressed his concern arising from the targeting of places of worship and religious representatives in the Syrian conflict.¹³⁶ He paid particular attention to the situation of twelve nuns who went missing from Sait Tecla Orthodox Convent in Ma'aloula and appealed for their safety and well-being as well as that of other persons detailed against their will in Syria. He also reaffirmed the commitment of the United Nations in rejecting the targeting of persons based on their religion, community or ethnic affiliation. The Secretary General in April 2014 also strongly condemned the killing of an elderly Dutch Jesuit priest and again demanded that warring parties and their supporters ensure that civilians are protected regardless of their religion, community or ethnic affiliation, stating that both "the Syrian government and armed groups have the legal obligation and moral responsibility to do so."¹³⁷

Malaysia

On 25 November a joint statement of mandate holders related to a decision of the Government of Malaysia to ban a Catholic publication from using the word 'Allah' to refer to God, warning that it violates the rights of religious minorities. The Bahasa Malaysia, or standard Malay, translation for one God is 'Allah', which entered the language from Arabic and has been used by Christians in the region for many centuries. The SR on Freedom of Religion cautioned that "the current case may affect the right of all non-Muslims in Malaysia to use the word 'Allah' while referring to God." The IEMI further warned that "such actions may present

¹³⁴ See <http://www.unhcr.org/53ecb7a29.html>

¹³⁵ Report of the Independent Expert on the situation of human rights in Somalia, A/HRC/24/40, 24th Session HRC, 16 August 2013, paras. 26-7.

¹³⁶ Statement attributable to the Spokesperson for the Secretary-General on the situation of Nuns from Saint Tecla Orthodox Convent in Ma'aloula, Syria, New York, 9 December 2013.

¹³⁷ Statement Attributable to the Spokesperson for the Secretary-General on Syria, New York, 7 April 2014.

an obstacle to friendly and peaceful relations between faith communities.”¹³⁸ The issue was also raised in a communication to the Government in which concerns were reiterated that “the decision may have far-reaching implications and may affect the rights of all non-Muslims in Malaysia”.¹³⁹

Egypt:

Alleged violence against members of Christian religious minorities Egypt including killings by supporters of the ousted president, Mohamed Morsi, was the subject of a letter to the Egyptian Government based on reports of attacks by mobs on Christian churches, schools, business and homes and an orphanage, as well as a number of killings and injuries or members of the Christian minority.¹⁴⁰

Conclusion

As noted in the introduction, the main focus of the year 2013 has been largely on the situation of religious minorities. This has been driven by institutional focus and notably the work of the Forum on Minority Issues, but also dictated by the situation on the ground faced by many minorities. The FMI continues to act as a conduit for holistic consideration of minority and country situations, taking into account different measures which may be required to protect religious minorities within a specific state. It is also encouraged by the prospect of attendees calling for the review and monitoring of these measures on a regular basis to ensure that they achieve the intended outcomes.

As illustrated in the section focusing on urgent country situation, it seems that religious minorities are increasingly suffering from targeted violent attacks. At the time of writing this chapter, reports emerging from Syria, Iraq, and Egypt are certainly showing the importance and the need for more focus attention on the situation of religious minorities. The FMI has provided an in-depth analysis on the right of religious minorities, there is a need to ensure the follow up to this report and ensure that it remains high on the agenda.

The next big battle for next year will be to ensure that minorities get better included in the post 2015 development agenda to avoid the flaws that were highlighted by the MDGs. While some progress have been made in that direction during the year 2013, these are still very small steps as there is still very little engagement to ensure that a proper human rights- based approach to development ensuring specific focus on the rights of minorities will be strongly included.

¹³⁸ Press release, Geneva, 25 November 2013.

¹³⁹ Case No. MYS 11/2013.

¹⁴⁰ Case No. EGY 12/2013.