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RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

Report of the Secretary-General

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
INTRODUCTION	1 - 7	3
I. PROMOTION AND PROTECTION BY STATES OF THE PRINCIPLES CONTAINED IN THE DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES	8 - 11	4
II. ACTIVITIES OF THE RELEVANT ORGANS AND BODIES OF THE UNITED NATIONS GIVING DUE REGARD TO THE DECLARATION WITHIN THEIR MANDATES	12 - 26	5
A. Sub-Commission on Prevention of Discrimination and Protection of Minorities	12 - 15	5
B. Centre for Human Rights	16 - 25	6
C. United Nations High Commissioner for Refugees .	26	8

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
III. TREATY BODIES	27 - 32	9
A. Human Rights Committee	28	9
B. Committee on the Elimination of Racial Discrimination	29 - 31	9
C. Committee on the Rights of the Child	32	10
IV. SPECIAL RAPORTEURS, SPECIAL REPRESENTATIVES AND WORKING GROUPS	33 - 63	10
A. Special Rapporteur on the question of torture .	34 - 37	10
B. Representative of the Secretary-General on internally displaced persons	38 - 39	11
C. Special Rapporteurs on the situation of human rights in:	40 - 60	12
Burundi	40	12
Equatorial Guinea	41	12
Islamic Republic of Iran	42 - 44	12
Myanmar	45 - 48	13
Rwanda	49 - 50	14
Sudan	51 - 54	15
the former Yugoslavia	55 - 60	15
D. Working Group on Enforced and Involuntary Disappearances	61 - 63	16
V. INTERGOVERNMENTAL ORGANIZATIONS	64 - 70	16
Council of Europe	64 - 70	16
VII. NON-GOVERNMENTAL ORGANIZATIONS	71 - 75	18
Minority Rights Group	71 - 75	18
VIII. CONCLUSIONS	76 - 83	19

INTRODUCTION

1. The Commission on Human Rights, in its resolution 1995/24 of 3 March 1995, urged States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities; called upon the Secretary-General to make available, at the request of Governments concerned, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified expertise on minority issues including the prevention and resolution of disputes to assist in existing or potential situations involving minorities; urged the relevant treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights to continue to give due regard, within their respective mandates, to the Declaration; called upon the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to national or ethnic, religious and linguistic minorities as set out in the Declaration; and, requested the Secretary-General to submit to the Commission on Human Rights at its fifty-second session a report on the implementation of the resolution.
2. The present report is submitted pursuant to this request and is complementary to the report of the Secretary-General submitted to the General Assembly at its fiftieth session (A/50/514), which is being made available to the Commission at its present session.
3. Pursuant to resolution 1995/24, the Secretary-General, by a communication dated 5 April 1995, invited States, interested intergovernmental and non-governmental organizations, special representatives, special rapporteurs and relevant working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit contributions to the Centre for Human Rights as to how they promoted and gave effect to the Declaration.
4. The replies received from the Governments of Argentina, Cyprus, the Czech Republic, Maldives, Mauritius, Morocco, the Russian Federation, Saint Lucia, Saudi Arabia, Spain and Ukraine are summarized in document A/50/514. As of 8 December 1995, replies had been received from a further six Governments, namely Angola, Belarus, the Niger, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America (see paras. 8-10 below).
5. A reply was received from the Office of the United Nations High Commissioner for Refugees.
6. Information was also provided by the following human rights organs and bodies which had been requested in the above resolution to continue to give due regard, within their respective mandates, to the Declaration: the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of the Child, the Special Representatives on internally displaced persons, and on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteurs on the question of torture;

the situation of human rights in Burundi; Equatorial Guinea; Myanmar; Rwanda; the Sudan and the territory of the former Yugoslavia. Information was also provided by the Working Group on Enforced and Involuntary Disappearances.

7. The Council of Europe sent a document updating the information concerning the relevant activities in this field, and a reply was received from one non-governmental organization, the Minority Rights Group.

I. PROMOTION AND PROTECTION BY STATES OF THE PRINCIPLES
CONTAINED IN THE DECLARATION ON THE RIGHTS OF
PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS
AND LINGUISTIC MINORITIES

8. The information provided by the Governments of Angola, Belarus, the Niger, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America is summarized below. The majority of replies focused on the respective constitutional and legislative provisions protecting the rights of persons belonging to minorities whereas that of the United Kingdom of Great Britain and Northern Ireland contained substantive information on specific measures, illustrative of action taken in the field of minority protection.

9. Reference to constitutional and legislative provisions guaranteeing the protection of the existence and identity of minorities and the principle of non-discrimination on religious, cultural and linguistic grounds, was made by the Governments of Angola, Belarus, the Niger, Switzerland and the United States of America. In addition, the Government of Belarus stated that anyone who publicly insulted or defamed the national or any other language or created any obstacle to or restriction upon its use, or who preached enmity on linguistic grounds would be criminally liable, and the Government of the United States of America mentioned that language projects had been introduced bringing younger and older native Americans together, to train native speakers to teach others, and to produce television and radio programmes in native American languages. In respect of commitments under international treaties and agreements, the Government of Switzerland in its response mentioned that Switzerland had ratified the Convention on the Elimination of All Forms of Racial Discrimination and that the identity and characteristics of particular groups were being integrated into society.

10. As for specific measures taken, the Government of the United Kingdom of Great Britain and Northern Ireland stated that radio or television broadcasts were provided in minority languages, and a number of channels had already been set up serving Turkish, Greek, Asian, Afro-Caribbean and Arabic communities; an ethnic health unit had been set up to meet the health needs of people from ethnic minority groups, and grants were available to help members of ethnic minorities to gain employment, to take up vocational training, or to set up their own business. The Government of the Niger stated that the Arab, Gourmantché and Toubous minority groups were represented at the level of the National Assembly in the Niger and special electoral circumscriptions had been set up to represent those minorities.

11. With reference to other measures to promote and protect the rights of persons belonging to minorities, the Government of the United Kingdom of

Great Britain and Northern Ireland continued to take steps to ensure that members of ethnic minority communities had access to employment and business opportunities on an equal footing and had provided guidance to local authorities concerning housing of ethnic minorities. The Government had also taken action to improve the response of the education service to ethnic diversity and had increased the number of teachers from ethnic minorities. In addition, the National Curriculum Council had issued a curriculum guidance publication on education for citizenship which addressed such concepts as the law, society and respect for other individuals and groups. The Government of Switzerland stated that a federal commission against racism had been established to launch awareness-raising campaigns in the area of tolerance and mutual understanding, to propose legislative measures in that area and to advise the Government in respect of its treaty reporting obligations under the Convention on the Elimination of All Forms of Racial Discrimination. That commission had also been entrusted with the task of making legal services available to victims of racial discrimination.

II. ACTIVITIES OF THE RELEVANT ORGANS AND BODIES OF
THE UNITED NATIONS GIVING DUE REGARD TO THE
DECLARATION WITHIN THEIR MANDATES

A. Sub-Commission on Prevention of Discrimination
and Protection of Minorities

12. In its resolution 1995/24 the Commission and confirmed by resolution 1995/31 of the Economic and Social Council, authorized the Sub-Commission to establish an inter-sessional working group to review the promotion and practical realization of the Declaration; examine possible solutions to problems involving minorities; and recommend further measures for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities. That decision was approved by the Economic and Social Council in its resolution 1995/31.

13. The first session of the working group was held at the United Nations Office in Geneva from 28 August to 1 September 1995. In his opening speech, the High Commissioner for Human Rights stressed that his task in the field of the promotion and protection of the rights of persons belonging to minorities and that of the working group were closely intertwined and that mutual support was crucial in paving the way for greater understanding and tolerance among communities and nations. He called upon the working group to suggest concrete, constructive and peaceful solutions to minority situations and extended his cooperation and that of the Centre in support of the activities of the working group and the implementation of its recommendations.

14. An introductory statement was made by the Chairman-Rapporteur, Mr. Asbjørn Eide, followed by an exchange of information and views on the three items of the mandate of the working group. Other matters discussed were the various elements of a working definition and possible categorization of minorities, and the elaboration of the agenda for the second session. The report of the working group is contained in document E/CN.4/Sub.2/1996/2.

15. The Sub-Commission, at its forty-seventh session, discussed the protection and promotion of the rights of persons belonging to minorities under its agenda item 17. Of particular relevance were the following documents which the Sub-Commission had before it:

Replies received from the Minority Rights Group - Finland (E/CN.4/Sub.2/1995/33/Add.1) and the Government of the United Kingdom of Great Britain and Northern Ireland (E/CN.4/Sub.2/1995/33/Add.2) pursuant to paragraph 2 of resolution 1994/4 of the Sub-Commission requesting comments on the recommendations contained in addendum 4 to the final report presented by the Special Rapporteur, Mr. Asbjørn Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34/Add.1-4).

A working paper on enclaved groups (E/CN.4/Sub.2/1995/34) prepared by Mr. Eide pursuant to decision 1994/113 of the Sub-Commission. The paper addresses the definition of "enclaved groups" on the basis of human rights law, including that of minority protection.

Three notes verbales: from the Russian Federation on the situation of ethnic Russians in Latvia and Estonia with special regard to the issue of citizenship (E/CN.4/Sub.2/1995/44); from the Federal Republic of Yugoslavia on the status of the members of the Yugoslav national minorities in Albania (E/CN.4/Sub.2/1995/40); and the responses thereto of the Government of the Republic of Albania (E/CN.4/Sub.2/1995/46).

Written statements by: Human Rights Watch on the human rights abuses in the Niger Delta in south-eastern Nigeria, perpetrated in particular against the Movement for the Survival of Ogoni People; the World Federation of Democratic Youth on racial hatred and violence in the United States; the Advisory Board of Jewish Organizations on the need to identify and address the psychological and philosophical sources of racism and anti-semitism; and the International Human Rights Association of American Minorities on discriminatory policies against African-Americans in the United States, the persecution of the Dalits by Hindu society in India and the situation of Haitian workers in the Dominican Republic; and Pax Romana on the political, cultural and linguistic rights of persons belonging to minorities.

A report prepared by the Special Rapporteur, Leandro Despouy, on the question of human rights and states of emergency, in accordance with resolution 1994/36 of the Sub-Commission including the issue of derogable and non-derogable rights of persons belonging to national, ethnic, racial or religious groups (E/CN.4/Sub.2/1995/20, paras. 41-46).

B. Centre for Human Rights

16. Pursuant to General Assembly resolution 49/178, the Sixth Meeting of persons chairing the treaty bodies was convened from 18 to 22 September 1995 at the United Nations Office in Geneva. The Chairpersons discussed, inter alia, the implementation of their respective treaties by States parties and the provision of advisory services; and requested each

treaty body to inquire whether instruments had been translated and disseminated in local languages. The report is contained in document A/50/505.

17. A representative of the Centre for Human Rights was invited to two conferences on issues involving minorities. The first was convened in Vienna from 15 to 17 September 1995 jointly by the Federal Chancellery and the Federal Ministry for Foreign Affairs of Austria with the cooperation of the Council of Europe. Issues discussed of relevance to minorities included: group accommodation, the role of the Council of Europe in the field of the protection of national minorities, traditional groups and migration, integration versus assimilation, and European migration and ethnic minorities. The representative of the Centre for Human Rights drew the attention of the participants to the action of the United Nations organs and bodies in this field.

18. The second conference, on federalism and ethnicity was held in Basel, Switzerland, from 27 to 29 September 1995 as part of the official programme of the Swiss Federal Council on the occasion of the celebration of the fiftieth anniversary of the United Nations. Participants discussed general and theoretical problems of minority conflict resolution and agreed that federalism could and should provide a solution to many of the ongoing conflicts involving minorities. To that end, the Charter of Basel on Federalistic Solutions to Conflicts was elaborated, which is to be submitted to the United Nations within the framework of the Secretary-General's Agenda for Peace. The Charter of Basel addresses, inter alia, the issues of the realization of minority rights and the mechanisms within a federative peace structure for the prevention and resolution of conflicts involving minorities, and calls upon the United Nations to give due consideration to this Charter in all its peacekeeping activities, especially in crisis-prevention and peace-building, and sets forth the advantages of federalistic conflict control.

19. In accordance with paragraph 4 of Commission resolution 1995/24 the Centre has continued to provide, as part of its programme of advisory services and technical assistance, qualified expertise on minority issues including the prevention of disputes to assist in existing or potential situations involving minorities. In addition, the programme was called upon to provide expert assistance in the area of conflict resolution with regard to minorities (see Commission resolution 1993/24).

20. Although there exists no specific component on the rights of persons belonging to minorities, all programme elements give particular attention to advancing the position of minorities, both through the inclusion of this issue in the substantive content of the projects, and through the encouragement of the participation of minorities in the programme itself, including during the needs assessment missions and programme evaluations.

21. In Burundi, a media campaign was launched during 1995 to encourage tolerance and mutual understanding among groups and communities through radio and television programmes, and the production of audio-visual material and posters. This campaign included the organization of workshops for youth on the theme of tolerance and for the media on the offences related to the

profession of journalists, and the broadcast of a radio and television programme once a week aimed at the promotion of tolerance.

22. In Cambodia, the programme provided legislative assistance addressing also the concerns and problems of minority groups in respect of the immigration and nationality laws. These activities focus in particular on the situation involving the Vietnamese minority in Cambodia.

23. In Mongolia, a workshop was organized with the judiciary in Ulanbataar in February 1995 which included a session on the rights of minority groups in the administration of justice.

24. In Georgia, assistance was provided in drafting the Minority Rights Bill, based on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, of which the following elements are particularly relevant: the right to equate oneself with a nationality is an integral part of basic human rights and freedoms. Declaring one's membership of a national minority is a voluntary act, and no consequences shall attend omission to make such a choice (art. 2); persons belonging to minorities shall be entitled to express their distinctiveness and to protection by the State from any attempt at forcible assimilation (art. 3); minorities are entitled to use their native language not only in private but also in public, political and religious life and in State administrative and judicial institutions (art. 5); the State takes the responsibility to facilitate the training of the national personnel from minorities, primarily teachers of native languages and literature (art. 8); persons belonging to minorities shall be entitled to establish and maintain contacts with each other throughout the Republic of Georgia and in other States too (art. 12); the right of representative bodies of the minorities to put forward candidates for election to the Parliament of the Republic of Georgia and they will be provided with the possibility to speak their native languages shall be recognized (art. 13); and the State organs of power are prohibited from breaching the Act in the event of a state of emergency (art. 21).

25. In respect of the establishment and strengthening of national institutions, an international workshop was held from 18 to 21 April 1995, in Manila on, inter alia, the role of national institutions in countering discrimination against particularly vulnerable groups, including ethnic minorities. The report of the workshop is contained in document E/CN.4/1996/8. On the same subject, the Centre published a fourth handbook in the Professional Training Series which provides guidelines on how national institutions can be created and operated (National Human Rights Institutions, Professional Training Series No. 4, Centre for Human Rights, United Nations).

C. United Nations High Commissioner for Refugees

26. The issues pertaining to the rights of persons belonging to minorities is of direct concern to the Office of the United Nations High Commissioner for Refugees (UNHCR), as the need to promote the rights of those who, as in the case of minority groups, may feel compelled to flee their country of origin if their rights are violated, is an integral part of the preventive strategy of UNHCR. UNHCR expressed its willingness to cooperate with the working group on minorities and with the other human rights mechanisms of the United Nations

and to share information on its promotional activities, and its involvement in inter-agency consultations on "early warning", education, training and public awareness campaigns. To this end, UNHCR has in particular called on the working group on minorities to pay attention to the issue of displacement of minority groups - whether imminent or ongoing - whether in the form of population transfer, refugee flows, international displacements or forced relocation policies, and reiterated its assistance and support in this matter.

III. TREATY BODIES

27. During the discussion of State reports submitted to the various treaty bodies, issues relating to the promotion and protection of minorities were discussed with reference to the relevant rights contained in the various international instruments. When necessary, the members of the treaty bodies requested further information about the measures undertaken by States and thus also obtained clarification as to the implementation of specific rights. The information provided below is complementary to that contained in document A/50/514.

A. Human Rights Committee

28. Among the articles of the International Covenant on Civil and Political Rights which address the rights of persons belonging to minority groups are articles 2, 26 and 27. The Committee examined the implementation of those provisions in the course of its examination of periodic reports submitted by States parties. During the reporting period the reports of the following States were considered: Argentina, Paraguay, New Zealand, Haiti, United States of America, Ukraine, Sri Lanka, Russian Federation, Afghanistan, United Kingdom of Great Britain and Northern Ireland, Sweden and Estonia. The concluding observations adopted by the Committee at the conclusion of the examination of those reports are contained in document A/50/40.

B. Committee on the Elimination of Racial Discrimination

29. Pursuant to the terms of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination has as a central concern the rights of ethnic minorities. During the reporting period the Committee addressed the issue in its consideration of periodic reports submitted by States parties, its early warning and urgent procedure, its elaboration of General Recommendations and elsewhere in its programme of work.

30. In all of the periodic reports of the following 22 States parties, the issue of minorities was considered: Trinidad and Tobago, Cyprus, Italy, Sri Lanka, Croatia, Peru, Bosnia and Herzegovina, Federal Republic of Yugoslavia, Romania, Guatemala, Belarus, Mexico, New Zealand, El Salvador, Nicaragua, United Arab Emirates, United Republic of Tanzania, Sierra Leone, Somalia, Madagascar, Nigeria, Chad. Decisions were adopted under the early warning and urgent procedure concerning the Russian Federation, Mexico, Algeria, The former Yugoslav Republic of Macedonia, Burundi, Rwanda, and Papua New Guinea. The concluding observations of the Committee are contained in document A/50/18.

31. A General Recommendation was adopted concerning article 3 of the Convention, which addresses racial segregation and apartheid, and the drafting began of a general recommendation on the issue of self-determination (see A/50/514, para. 54). During the reporting period the Committee had a joint meeting with the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and agreed on a programme of ongoing cooperation with that body.

C. Committee on the Rights of the Child

32. Among the articles of the Convention on the Rights of the Child which address the rights of children belonging to minority groups are articles 2, 7, 22, 29, 30, 42 and 44. The Committee examined the implementation of those provisions in the course of its examination of the periodic reports of States parties. During the reporting period the reports of the following States were considered: Honduras, Indonesia, Madagascar, Paraguay, Spain, Argentina, the Philippines, Colombia, Poland, Jamaica, Denmark, the United Kingdom of Great Britain and Northern Ireland, Nicaragua, Canada, Belgium, Tunisia and Sri Lanka. The concluding observations of the Committee are contained in documents CRC/C/34, CRC/C/38, and CRC/C/43.

IV. SPECIAL RAPPORTEURS, SPECIAL REPRESENTATIVES AND WORKING GROUPS

33. In a number of cases, special rapporteurs and special representatives, appointed by United Nations human rights organs to investigate human rights situations in specific regions, countries and with reference to thematic issues, have addressed the rights of persons belonging to national or ethnic, religious and linguistic minorities within their mandates or have been confronted with violations of the rights of persons belonging to minorities. The following description of their activities is complementary to that contained in document A/50/514, paragraphs 56-60. The Working Group on Enforced and Involuntary Disappearances is particularly relevant, as persons belonging to minorities seem to be disproportionately affected.

A. Special Rapporteur on the question of torture

Yugoslavia

34. The Special Rapporteur has received allegations that ethnic Albanians living in the province of Kosovo are vulnerable to beatings and torture by the police and state security service (SDB). Victims of ill-treatment are said to be commonly political activists, persons formerly imprisoned for political reasons, and school and university staff. The Special Rapporteur has also received reports according to which violence by the police is frequently inflicted upon ethnic Albanians in Kosovo during the course of searches for weapons in their homes. It was reported that since the police forces were placed under the supervision of the Serbian Government in April 1990, most of the ethnic Albanian police officers have resigned or been dismissed, many for refusing to recognize the Serbian authority. It was alleged that the almost entirely Serbian police force single out persons of the majority ethnic Albanian population for ill-treatment. In this regard, an aim of the police was alleged to be to intimidate ethnic Albanians into leaving Kosovo.

China

35. Torture and ill-treatment of persons arrested for political reasons in Tibet was reported to be pervasive. The methods of torture were said to include beatings, electric shocks, deprivation of food and drink, exposure to cold, handcuffing or shackling for long periods, and denial of medical treatment. Juveniles detained for political reasons in Gutsa Detention Centre in Lhasa Tibet are held together with adult prisoners rather than in the juvenile section of the facility. In Drapchi prison in Lhasa, adults and juveniles are reportedly kept together because no separate juvenile section exists. Juveniles are allegedly forced to do hard labour and to work in unsanitary conditions with adults in prisons, detention centres, reform-through-labour detachments or re-education-through-labour detachments.

India

36. The Special Rapporteur has received allegations that torture is routinely practised against the vast majority of persons arrested for political reasons in Jammu and Kashmir. The army, the Border Security Force and the Central Reserve Police Force were all reported to engage in torture. Official investigations into allegations of torture in Jammu and Kashmir, including those that result in custodial deaths, were said to be rare.

Russian Federation

37. The Special Rapporteur has received information concerning the alleged torture or ill-treatment of persons in the course of operations conducted by the armed forces in the Chechen Republic since December 1994. According to the reports, many detainees held in prison camps were beaten systematically in order to extract confessions admitting support of or loyalty to Dzhokhar Dudayev. Many such incidents were reported to have occurred at "filtration points" in January and February 1995 in Grozny and Mozdok, as well as in investigation-isolation prisons established in Pyatigorsk and Stavropol. The persons detained at filtration points were said to be any Chechen male, whether or not involved in the armed opposition. It was reported that a primary reason for their detention was so that they might be used in exchange for captured Russian soldiers.

B. Representative of the Secretary-General
on internally displaced persons

38. The representative of the Secretary-General has repeatedly examined the nexus between national, ethnic, religious and linguistic minorities and displaced persons in his reports. In his comprehensive study (E/CN.4/1993/35) he noted that "the most prevalent cause of internal displacement is civil war", which frequently involves minorities (para. 27). In paragraphs 134 to 154 he gave a historical analysis of the present ethnic fragmentation of States and the consequent civil wars. In his compilation of legal norms and standards relevant to internally displaced persons (E/CN.4/1996/52/Add.2) the representative refers to all international human rights instruments that relate to minorities and discusses their relevance to the situation of internally displaced persons and their specific rights.

39. To the extent that minorities are adversely or disproportionately affected by conflict, massive human rights violations and displacement, the representative has raised the relevant issues with the authorities of the countries he has visited and has included his findings in his country profiles. This was the case with regard to the territory of the former Yugoslavia, the territory of the former Soviet Union, Somalia, Sudan and, to some extent El Salvador, all of which he visited during the preparation of his comprehensive study (paras. 155-253), as well as with regard to Sri Lanka (E/CN.4/1994/44/Add.1), Burundi (E/CN.4/1995/50/Add.2), Rwanda (E/CN.4/1995/50/Add.4) and Peru (E/CN.4/1996/52/Add.1), which he visited subsequently. In his report to the Commission at its fiftieth session (E/CN.4/1995/50), the representative presented a set of recommendations which included strategies to resolve internal conflicts, promoting democratic structures and empowering marginalized communities to resume control of their local affairs and their own development (see paras. 244-266 and 285-286).

C. Special Rapporteurs on the situation of human rights in:

Burundi

40. There has been a severe deterioration of the general situation in Burundi, especially since May 1995. The climate of insecurity, fear and hatred affecting both Hutus and Tutsis has generated repeated acts of violence, most often perpetrated by extremist groups belonging to the two communities, which every day kill members of the military and civilians. Ethnic tensions between Tutsi and Hutu have reached such a degree that they are leading to racist practices by one ethnic group against the other; they are also spread throughout the organs of State, multiplying difficulties between the two ethnic communities and hindering the proper functioning of the State at all levels of its activity: maintenance of order and security in the country, administration of justice, control of the armed forces and the police services, access to and running of schools and universities, economic life and distribution of scarce resources to the population.

Equatorial Guinea

41. The Special Rapporteur on the situation of human rights in Equatorial Guinea transmitted to the Government of Equatorial Guinea, during his third visit to the country in May 1994, an aide-mémoire setting out matters of urgency and priority measures which should be adopted to ensure the observance of human rights in Equatorial Guinea. Among these matters of urgency, the Special Rapporteur included an unrestricted granting of the free and full exercise of political rights to all citizens, without discrimination of any kind on grounds of race, national or ethnic origin, sex, political or other opinion (E/CN.4/1995/68, paras. 9-10). In his report to the Commission at its fifty-first session the Special Rapporteur stated that the right to be free of any form of discrimination was clearly within his mandate and could be analysed in his forthcoming reports (E/CN.4/1995/68, para.40)

Islamic Republic of Iran

42. The former Special Representative on the situation of human rights in the Islamic Republic of Iran in his report to the Commission at its fifty-first

session made reference to acts of discrimination and economic pressure against the Baha'i religious minority (E/CN.4/1995/55, paras. 50-53 and 104-105). According to the allegations that he had received, marriage, divorce and the right to inherit among the Baha'is continued to be unrecognized in law. Seven Baha'is were in prison because of their religion and two of them had been sentenced to death. Major difficulties remained in obtaining passports and exit visas. Young Baha'is continued to be denied access to higher education. The cemeteries, holy places, historical sites and administrative centres of the Baha'i community remained confiscated or had been destroyed. The private sector was said to be under pressure from the authorities to dismiss Baha'i employees. Many Baha'is had been dismissed from the public sector on account of their religious beliefs and some of them had been required to return the salaries and pensions they had received when they were working. The Baha'i community continued to be denied the right to meet freely, to elect their representatives and to maintain their administrative institutions.

43. The Special Representative requested that careful consideration be given to the legal situation of Baha'is who were in prison, particularly those who had been sentenced to death or accused of apostasy, and demanded an end to the harassment and discrimination to which members of the Baha'i community were subjected because of their religious convictions (E/CN.4/1995/55, para. 110 (h)).

44. The Special Representative also made reference to the murders of three Protestant clergymen and a leader of the Sunni Muslim community (E/CN.4/1995/55, paras. 19, 48, 49, 82, 83, 101 and 110 (c)) and requested a thorough, careful and impartial investigation. He also requested an end to acts of surveillance, hostility and discrimination against Protestants, particularly converts from Islam and stated that permission should be given for the reopening of churches, chapels, libraries, bookshops and other Christian premises that had been closed down and for the construction of new premises. He recommended that the right to hold services in Farsi without being kept under surveillance by agents of the security forces should be guaranteed (para. 110 (i)).

Myanmar

45. For the past five years, the Special Rapporteur has regularly issued reports documenting human rights violations against members of ethnic minorities in Myanmar, particularly the Karen, Mon, Shan and Muslims in Rakhine (Arakan) State. Most of these violations are reported to occur in the context of the Myanmar Army's counter-insurgency activities against armed opposition groups operating in areas of large ethnic minority populations. However human rights violations by the Tatmadaw were also committed against those who live in areas where little or no armed insurgency activity was taking place. During 1991 and 1992, Muslims living in Rakhine State, also known as Rohingyas, were victims of widespread extrajudicial executions, torture and ill-treatment, and forced labour and portering. This campaign by the Army resulted in over 250,000 Muslims fleeing to neighbouring Bangladesh to seek asylum; by the end of September 1995 some 200,000 Muslim refugees had been repatriated since September 1992.

46. Since 1989, the State Law and Order Restoration Council (SLORC) has agreed cease-fires with 15 armed ethnic minority groups, including most recently the Mon and Karenni.

47. Human rights violations in ethnic minority areas generally consist of forced portering for the Army, sometimes involving torture and ill-treatment, forced labour, and extrajudicial killing of porters and suspected members and sympathizers of armed opposition groups. However, suspected political opposition activities are not normally the reason that the Tatmadaw subjects members of ethnic minority groups to human rights violations. Troops seize civilians for portering and forced labour duty regardless of their political affiliation and all villagers are liable to be taken, either at random or on a rotation basis. The Tatmadaw uses civilians for forced portering and labour in a systematic manner which effectively means that no one is exempt from such practices. Villagers are never paid for their work and usually do not receive sufficient food and medical care.

48. Civilians are at risk of being killed by the Tatmadaw if they are suspected of having ties with armed ethnic minority groups or of providing supplies to them. Civilians may also be killed if they cannot carry their load as porters or if they attempt to escape.

Rwanda

49. In his first report on the situation of human rights in Rwanda (E/CN.4/1995/7, of 28 June 1994), the Special Rapporteur on Rwanda, confirmed the genocide of the Tutsis by Hutu militia, soldiers and citizens. The massacres were the result of an institutionalized policy of discrimination against the Tutsis and Batwas by the Hutus and their exclusion from various important areas of national affairs (education, politics, army). Indeed, one of the major causes of human rights violations in Rwanda since independence was incitement to ethnic hatred and violence. Repeated appeals were made to the Hutus to keep the Tutsis from returning to power (lost in 1959). From 1993 to 1994, before and during massacres and civil war, Radio Rwanda, the national broadcasting station controlled by the former President, and in particular "Radio-Télévision Libre des Mille Collines", did not hesitate to call for the extermination of the Tutsi and it is notorious for the decisive role it appears to have played in the massacres.

50. After the war and the change of Government, the Special Rapporteur reported the mass violations of human rights in Rwanda, including violations of property rights, of personal safety and of the right to life (E/CN.4/1995/70, of 11 November 1994, paras. 23-46). From the beginning of 1995, these violations increased, taking the form, in particular, of arbitrary arrests and detentions, distressing conditions of detention, summary executions and massacres (for example, in Kibeho displaced persons camps in April 1995 and in Kanama commune in September 1995), and abductions and enforced disappearances (E/CN.4/1996/7). It appears that all these violations are perpetrated against Hutus and could be considered as de facto discrimination of persons belonging to the Hutu ethnic group.

Sudan

51. In his interim report to the General Assembly at its fiftieth session (A/50/569) the Special Rapporteur on the situation of human rights in the Sudan reported that there had been serious violations of the rights of persons belonging to national or ethnic, religious and linguistic minorities committed by the Government of Sudan.

52. The Special Rapporteur concluded that the abduction of persons, mainly women and children belonging to racial, ethnic and religious minorities from southern Sudan, the Nuba Mountains and the Ingassema Hills area, their subjection to the slave trade, including traffic in and sale of children and women, slavery, servitude, forced labour and similar practices were taking place with the knowledge of the Government of Sudan. He noted that in all these cases, the practices had a pronounced racial aspect, as the victims were exclusively southerners and persons belonging to the indigenous tribes of the Nuba Mountains.

53. He further noted that information from the Nuba Mountains indicated that atrocities against the indigenous population there had intensified, as revealed by recent reports on the abduction of hundreds of Nubans and on the desecration of mosques, the continuing destruction of churches and harassment of local Imams and clergymen.

54. Similarly, with regard to the rights of the child, the Special Rapporteur reported that since the overwhelming majority of the victims were children belonging to the various southern tribes or tribes from the Nuba Mountains and the Ingassema Hills, the racial aspect of the violations could not be disregarded. The Special Rapporteur believes that the racial dimension of the violations and abuses against children living in the north, or of children in the south who are abducted and sold into slavery constitutes a particularly grave and alarming circumstance, which should be of particular concern from a human rights perspective.

the former Yugoslavia

55. The following information is based on the reports of the Special Rapporteur prepared during 1994 and 1995 for the Commission on Human Rights.

56. Yugoslavia 1/ had been described as a multinational country. It comprised six so-called constituent nations, Croats, Macedonians, Montenegrans, Muslims, Serbs and Slovenes, and national minorities, mainly Albanians, Bulgarians, Czechs, Hungarians, Italians, Romas, Ruthenes, Slovaks, Turks and Ukrainians.

57. As far as the confessional groups were concerned, about one third of the population was Catholic and one tenth Muslim, the remainder belonging to the Orthodox Church.

58. In his reports the Special Rapporteur strongly emphasized that although the conflict in the former Yugoslavia has no religious or ethnic grounds, ethnic characteristics have regularly been used by the parties involved as a tool to achieve their political and territorial aims.

59. In June 1991 when Croatia and Slovenia declared themselves independent from Yugoslavia, and subsequently received recognition from the international community, Serbs living in Croatia, becoming de facto a national minority, opposed this move with the support of the Yugoslav People's Army (JNA). These first hostilities paved the way for serious human rights violations of ethnic origin in particular in Bosnia and Herzegovina.

60. The Special Rapporteur considered that the problem of minorities was clearly not of the same nature in all parts of the former Yugoslavia. Slovenia, for example, almost totally escaped the minorities' problem owing to its homogenic population structure. In all other parts of the former Yugoslavia problems involving minorities are observed. The worst aspect of the violation of human rights based on ethnic grounds is the so-called "ethnic cleansing". 2/

D. Working Group on Enforced and Involuntary Disappearances

61. During 1995, the Working Group transmitted nine newly reported cases of disappearances to the Government of India, four of which reportedly occurred in 1995.

62. All the newly reported cases occurred in the province of Punjab, and concerned the mother of the Chief General of the Khalistan Commando Force, the Secretary-General of the human rights wing of the Akali Dal political party, a father and his daughter whose husband was wanted by the police, and other members of the Sikh community suspected by the Indian security forces of secessionist activities.

63. The majority of the cases of disappearance transmitted to the Government of India in the past occurred between 1983 and 1994, in the context of ethnic and religious disturbances in the provinces of Punjab and Jammu and Kashmir. In Jammu and Kashmir, a considerable number of persons were reported to have disappeared after "shoot-outs" with security forces. The disappearances were carried out in both regions by the police, the army or paramilitary groups reportedly connected to the armed forces, who are said to benefit from a wide range of power granted to them under emergency legislation, namely the Terrorist and Disruptive Activities Act and the Public Security Act. It was reported that under these Acts prolonged detention without the safeguards available under criminal law was tolerated.

V. INTERGOVERNMENTAL ORGANIZATIONS

Council of Europe

64. The Council of Europe provided the following information.

65. In accordance with the declaration of the Heads of State and Government of the Member States of the Council of Europe adopted at the Summit Conference of 8-9 October 1993, a "framework convention specifying the principles which the contracting States commit themselves to respect, in order to assure the protection of national minorities" was drafted and adopted by the Committee of Ministers on 10 November 1994. The framework Convention was opened for signature on 1 February 1995 and has as of November 1995 been signed by the

following 30 States: Albania, Austria, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland, ratified by one country, Romania, and signed by one non-member, Ukraine. The provisions of the Convention are detailed in paragraph 61 of document A/50/514 and the other activities of the Council of Europe in the field of minority protection, including the drafting of an additional protocol to the European Convention on Human Rights in the cultural field and the European Charter for regional or minority languages, are detailed in paragraphs 62 and 63 of that document.

66. In addition, the establishment of a mechanism, open to all European countries, that might help avert or solve minority problems by establishing facts and carrying out consultations, mediation and conciliation is being considered. Following the establishment of the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, the Council of Europe is working closely with the High Commissioner in carrying out his functions.

67. It was felt that the Council of Europe should also be ready to contribute to the resolution of specific problems of minorities. In order for legal measures to be effective, they needed to be accompanied by changes of attitude among those concerned. Confidence-building measures were thus elaborated, aimed at the promotion of tolerance and understanding between people. The Council of Europe now contributes to efforts in this area in two ways: by offering assistance and expert advice to State authorities in the drafting of bilateral treaties, national measures or policies concerning the situation of a given minority; and by supporting pilot projects at the grass-roots level aimed at promoting good relations between minorities and the "local" majority.

68. In relation to the latter, a large part of the work of the Council of Europe can be viewed as promoting a climate of mutual understanding and tolerance, and respect for the culture of others, in particular, its work in relation to education, culture, mass media, migration and transfrontier cooperation between local and regional authorities. However, much of this work takes place at the intergovernmental level. This needs to be accompanied by specific initiatives on the ground, undertaken in close cooperation with the communities concerned.

69. In this context, the programme of civil society confidence-building measures was established, intended to mobilize various preventive initiatives, aimed at defusing tensions capable of generating serious conflicts. These activities are all of a practical nature and seek to contribute to the dismantling of barriers which divide communities, through providing opportunities to speak, learn and work together on specific projects. Such a sharing of experience is considered the most effective way of promoting mutual knowledge and understanding and deterring resort to violence as a means of problem-solving. A central characteristic of all these projects is that they are conducted in partnership with non-governmental organizations.

70. In 1995 specific projects were undertaken in the areas of the media, education, housing and social services and are also envisaged in other spheres of social and cultural affairs as well as youth, local democracy and regional cooperation. Two current projects involve a training centre in Timisoara (Romania) and a bilingual (Estonian/Russian) regional television studio in Estonia. Any immediate effects will be visible only at the local level. It is intended that these pilot projects, where they meet with success, will have a multiplier effect and encourage similar initiatives by others; successful or not, they will also provide valuable lessons for future endeavours.

VI. NON-GOVERNMENTAL ORGANIZATIONS

Minority Rights Group

71. The Minority Rights Group provided information on its activities over the past year. In particular it organized a round table on the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the examination of thematic issues relating to racism, xenophobia, minorities and migrant workers. The purpose of the meeting was twofold: to encourage sharing of information among the participants on the question of the implementation of the Declaration and to stimulate debate on ways in which the Sub-Commission examines thematic issues relating to racism, xenophobia, minorities and migrant workers.

72. Suggestions were made for cooperation and coordination between different organs and bodies of the United Nations, especially between the Sub-Commission, the Committee on the Elimination of Racial Discrimination, the High Commissioner for Human Rights and the Working Group on Minorities of the Sub-Commission, and regional institutions, including the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, and non-governmental organizations.

73. In respect of the role of non-governmental organizations (NGOs), the participants of the round table suggested that: NGOs could act as catalysts for dialogue between minorities and the Governments concerned; NGOs and minorities could identify geographical areas where specific educational efforts were required; and the programme of advisory services and technical assistance of the Centre for Human Rights should consider contracting work out to experienced NGOs.

74. Finally, the participants suggested that regional approaches to situations involving minorities should be developed, education on minority issues promoted, programmes focusing on minority issues monitored and the protection of non-citizens considered in greater detail.

75. During 1995, the Minority Rights Group continued to promote understanding of the Declaration on the Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities by producing educational material, developing concepts and understanding of minority rights at regional and international levels and by cooperating on specific projects.

VII. CONCLUSIONS

76. In view of the few replies received by the Centre for Human Rights and the lack of substantive information contained therein, it is difficult to arrive at conclusions of a general nature which accurately represent the measures taken to give effect to the Declaration by the international community as a whole. In particular, it seems that the replies focused mainly on the constitutional and legislative provisions protecting and promoting the rights of persons belonging to minorities, with many Governments listing relevant legislation at length. In order better to examine the ways and means to promote effectively the rights of persons belonging to minorities and to observe some of the relevant trends, it is necessary to receive replies from a greater number of countries on substantive information on actual measures taken to protect minorities, including any affirmative action undertaken to give effect to the Declaration in practice.

77. The working group on minorities of the Sub-Commission proved successful in identifying some of the key issues relating to the practical realization of the Declaration, the components of possible solutions to problems involving minorities and some specific items to be discussed within the framework of further measures for their protection. It is hoped that the working group will continue to be a genuine forum for dialogue and mutual understanding between minorities and Governments, and will attract a wide range of participants in the future.

78. In the context of their reporting obligations under various international human rights instruments, in particular the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, States have continued to report on the measures taken to give effect to the specific provisions on the rights of persons belonging to minorities.

79. The information provided by special rapporteurs, special representatives and the Working Group on Enforced or Involuntary Disappearances illustrates the vulnerability of persons belonging to minorities. They are not only discriminated against but are also disproportionately affected by gross violations of human rights because of their status as members of a minority group. This underscores the need for every United Nations body to focus its attention on the treatment accorded to persons belonging to minorities within the framework of their respective mandates.

80. The work of the advisory services and technical assistance programme, in particular the provision of legislative and constitutional assistance and the organization of seminars, training courses and workshops, within the framework of national programmes of action is a valuable contribution to improving mutual tolerance and understanding between minorities themselves and between minorities and Governments, and to the search for solutions to problems involving minorities. In addition, the strengthening of national institutions will contribute to the promotion of greater awareness of the rights of persons belonging to minorities, advising and assisting Governments in the solution of conflicts involving minorities, and the investigation of the violation of the rights of persons belonging to minorities.

81. The Office of the United Nations High Commissioner for Refugees (UNHCR) will support the work undertaken by the United Nations in this field. The issue of forcible displacement of populations, including threats of removal and the return of persons who have been displaced, and its disproportionate effect on persons belonging to minorities, has been identified by UNHCR as an area which requires further attention.

82. The activities of the Council of Europe complement, on a regional basis, those of the United Nations in the field of minority protection. The Council's standard-setting activities, its cooperation with the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe, and the confidence-building measures which it has elaborated provide useful examples for emulation in other forums or countries in similar situations.

83. The work of the Minority Rights Group is illustrative of the links non-governmental organizations can forge with the United Nations, the contributions such organizations can make to the promotion and protection of the rights of persons belonging to minorities and their capacity to gather invaluable information relating to minorities in countries at the local level.

Notes

1/ A term which is used to signify the former Socialist Federal Republic of Yugoslavia and its republics.

2/ "Ethnic cleansing" refers to the elimination, by the ethnic group exercising control over a given territory, of members of other ethnic groups, which involves a variety of methods, including harassment, discrimination, beatings, torture, rape, summary executions, expulsions, shelling of civilian population centres, relocation of populations by force, confiscation of property and destruction of homes and places of worship and cultural institutions.
