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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Agenda item 17

PROTECTION OF MINORITIES

Mr. Bossuyt, Ms. Daes, Mr. Fix Zamudio, Mr. Khalifa, Mr. Mehedi,
Ms. Palley, Mr. Park, Ms. Warzazi, Ms. McDougall and Mr. Yimer:
draft resolution

1996/... Prevention of discrimination and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of
Minorities,

Recalling Commission on Human Rights resolution 1995/24 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities and to examine peaceful and constructive solutions to situations involving minorities,

Noting that the Working Group on Minorities held its first session from 28 August to 1 September 1995 and its second session from 30 April to 3 May 1996,

Having considered the reports of the first and second sessions of the Working Group on Minorities (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28) and, in particular, the recommendations contained in chapters VII and VIII thereof, respectively,

Disturbed by the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered by one or more of the parties to the conflict,

Mindful of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and convinced that the implementation of its principles, in conjunction with the International Convention on the Elimination of All Forms of Racial Discrimination and article 27 of the International Covenant on Civil and Political Rights, as well as all other relevant international instruments, provides the best guidance for resolving peacefully minority disputes or conflicts,

Aware of the contributions made by the High Commissioner for Human Rights towards the implementation of the principles contained in the Declaration and of his continuing dialogue with Governments and minorities concerned,

Underlining the significant contributions to the protection of minorities made by the relevant treaty bodies, in particular the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child,

Acknowledging the positive initiatives and measures undertaken by many States, specialized agencies, intergovernmental regional organizations and non-governmental organizations to protect minorities and promote mutual understanding and tolerance,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Underlining the interrelationship between all articles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including articles 1 and 8,

Recognizing the positive participation of all concerned in the Working Group and the developments towards constructive dialogue among minorities and between minorities and Governments,

Noting with interest that the Working Group on the Right to Development has identified continued discrimination against, inter alia, minorities with

respect to their right of access to health care, education, work, property and other economic, social and cultural rights as a major obstacle to the realization of the right to development,

Endorsing relevant initiatives for the involvement of minorities in the field of development in accordance with the relevant principles of the Declaration on the Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities and of the Declaration on the Right to Development,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

Underlining the importance of close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Expresses its deep appreciation to the Working Group on Minorities and, in particular, to its Chairman-Rapporteur, Mr. A. Eide;
2. Welcomes the substantive information submitted to the Working Group on Minorities at its first and second sessions and the constructive dialogue between minorities and Governments;
3. Endorses the recommendations made in the reports of the two sessions of the Working Group on Minorities (E/CN.4/Sub.2/1996/2, chap. VII and E/CN.4/Sub.2/1996/28, chap. VIII);
4. Decides to submit the reports of the first and second sessions of the Working Group on Minorities to the Commission on Human Rights for consideration;
5. Urges the Working Group on Minorities to continue to act as the main forum for consideration and possible resolution of problems between minorities and Governments, as well as among minorities themselves, drawing on the expertise of scholars, among others, including those present at its sessions;
6. Invites the Working Group to elaborate and submit to the Sub-Commission and through it to the Commission on Human Rights criteria concerning the content and scope of the rights contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation;

7. Also invites the Working Group to increase its cooperation with the High Commissioner for Human Rights with a view to strengthening his preventive activities and enhancing his responses to minority situations warranting urgent action;

8. Welcomes the recommendation contained in paragraph 208 of the report on its second session (E/CN.4/Sub.2/1996/28) in particular and invites the Working Group to pursue its efforts to organize seminars, without financial implications for the United Nations, on the themes listed therein;

9. Requests the High Commissioner for Human Rights to pursue, in accordance with his mandate, the implementation of his programme for the promotion and protection of the rights of persons belonging to minorities;

10. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child pay particular attention to the implementation of, respectively, article 27 of the International Covenant on Civil and Political Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 30 of the Convention on the Rights of the Child when considering States parties' reports, and that they include in their guidelines an item concerning minorities;

11. Recommends also that the treaty bodies, special rapporteurs and special representatives and the competent working groups continue to pay due regard, within their mandates, to the principles contained and the situations of the persons referred to in the Declaration;

12. Requests the competent United Nations organs and bodies and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Declaration and to continue to submit information on the application thereof, in compliance with article 9 of the Declaration, to the Working Group on Minorities;

13. Appeals to all Governments, competent United Nations bodies, intergovernmental organizations, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

14. Encourages States to facilitate dialogue and cooperation between and among minorities and majorities, and to provide information to the Working Group on mechanisms established for that purpose;

15. Recommends that the Centre for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

16. Also recommends that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group for a further two years with a view to its holding one session annually until 1999;

17. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, noting resolution ... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the Economic and Social Council to authorize the extension of the mandate of the Working Group on Minorities for a further two years with a view to its holding one session annually until 1999."
