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Agenda item 5 (c)

PREVENTION OF DISCRIMINATION

**PREVENTION OF DISCRIMINATION AND PROTECTION
OF MINORITIES**

**Mr. Alfredsson, Mr. Bengoa, Mr. Bíró, Mr. Cherif
and Mr. Kartashkin: draft resolution**

2004/... The rights of minorities

The Sub-Commission on the Promotion and Protection of Human Rights,

Noting Commission on Human Rights resolution 2004/51 of 20 April 2004 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having considered the report of the Working Group on Minorities on its tenth session (E/CN.4/Sub.2/2004/29 and Add.1) and in particular the conclusions and recommendations contained therein,

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

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and de facto equality for all, as well as full and effective participation in matters affecting them contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Emphasizing the importance of the timely identification of human rights problems and situations involving national or ethnic, religious and linguistic minorities, and the necessity of taking measures for the prevention of tension and conflict,

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its tenth session as contained in its report (E/CN.4/Sub.2/2004/29);
2. *Reaffirms* the importance of the Working Group and its uniqueness as the only forum in the United Nations with a mandate to deal exclusively with minority issues, including by reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
3. *Welcomes* the decision of the Working Group to promote constructive dialogue between minorities and Governments, not least with conflict prevention in mind;
4. *Notes* the request by the Working Group that written submissions to it should include a brief assessment of the comparative situation of the minority in question in relation to the rest of the population, the main areas of concern and suggestions on how to address them, and takes note of the invitation by the Working Group to concerned Governments to respond to the information presented during the sessions of the Working Group, especially on best practices in dealing with minority situations;
5. *Welcomes* the decision of the Working Group to endorse the Commentary prepared by its outgoing Chairperson, Mr. Asbjørn Eide, as the Commentary of the Working Group and to elaborate future general comments, including on the protection of minorities from forced assimilation, autonomy vis-à-vis self-determination, effective participation of minorities, and protection of places of worship and sacred places;

6. *Recalls with satisfaction* the progress report of Mr. Asbjørn Eide (E/CN.4/Sub.2/2003/21) and takes notes of the note by the Secretariat (E/CN.4/Sub.2/2004/32) stating that the final report updating Mr. Eide's 1993 study on peaceful and constructive approaches to situations involving minorities is to be submitted to the Sub-Commission at its fifty-seventh session;

7. *Welcomes* the intention of the Working Group to hold regional or subregional seminars, in cooperation with regional mechanisms wherever possible, and welcomes the suggestion to hold such seminars in the African and Asian regions as well as a seminar in the Americas on Afro-descendant issues, including with a view to considering regional guidelines, principles or codes of conduct, based on universal norms and international minority rights standards;

8. *Welcomes also* the intention of the Working Group to hold a seminar on the Roma/Sinti, and the possibility of calling upon the cooperation of the Council of Europe and the Focal Point for Roma and Sinti of the Organization for Security and Cooperation in Europe in regarding the organization of that seminar, to which Roma/Sinti representatives from European and, especially, non-European countries should also be invited;

9. *Notes* the visit of the Working Group to Finland and its report on that visit (E/CN.4/Sub.2/2004/29/Add.1) and welcomes the invitation from other Governments to visit their country, provided that resources are made available;

10. *Invites* the Office of the United Nations High Commissioner for Human Rights to consider organizing training workshops at the national level on the implementation of the rights of minorities;

11. *Invites* the Office of the High Commissioner for Human Rights, in cooperation with development agencies, to organize a meeting between the Working Group, representatives of international and bilateral development agencies, and Minority Rights Group International and minority representatives to examine further the integration of minority issues in development programming;

12. *Invites* the Office of the High Commissioner for Human Rights to prepare additional pamphlets for inclusion in the *United Nations Guide for Minorities*, in particular on the work of conflict-prevention mechanisms for the promotion and protection of the rights of persons belonging to minorities;

13. *Recommends* that the High Commissioner for Human Rights, when inviting, among others, Governments to submit their views on how best to protect the rights of persons belonging to minorities, also request them to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services and to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

14. *Appeals* to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

15. *Welcomes* Commission on Human Rights decision 2004/114 of 20 April 2004 and Economic and Social Council decision 2004/... of 22 July 2004 recommending to the General Assembly that it give favourable consideration to the establishment of a voluntary fund on minority-related activities;

16. *Recommends* the preparation of a working paper by a member of the Sub-Commission on the advisability of drafting an additional protocol to the International Covenant on Civil and Political Rights containing remedies for violations of minority rights to be presented to the Sub-Commission at its fifty-eighth session;

17. *Also recommends* the nomination of a special representative of the Secretary-General on minority issues, with a particular focus on country fact-finding missions and preventive diplomacy;

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

“The Commission on Human Rights, taking note of Sub-Commission on the Promotion and Protection of Human Rights resolution 2004/... of ... August 2004, decides to endorse its recommendation that a special representative of the Secretary-General on minority issues be nominated, with a particular focus on country fact-finding missions and preventive diplomacy. The special representative should cooperate closely with the Working Group on Minorities. The Commission also decides to recommend that the Economic and Social Council endorse the decision.”
