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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Working Group on Minorities  
Eleventh session, 30 May - 3 June 2005

**ANNOTATIONS TO THE PROVISIONAL AGENDA**

**Note by the Secretary-General**

**Introduction**

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994 and authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, in which it called upon the Sub-Commission to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992. For that purpose it authorized the Sub-Commission to establish an intersessional working group. This resolution was subsequently endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995. By decision 1998/246 of 30 July 1998, the Economic and Social Council extended the mandate of the Working Group with a view to its holding one session of five working days annually. In its resolution 2005/79 of 21 April 2005, the Commission on Human Rights recommended changes to the mandate of the Working Group, which are to be presented to the Economic and Social Council for endorsement.

2. The eleventh session of the Working Group is scheduled to be held at the United Nations Office at Geneva from 30 May to 3 June 2005.

### **Item 1 Adoption of the agenda**

3. The provisional agenda for the eleventh session of the Working Group is contained in document E/CN.4/Sub.2/AC.5/2005/1. At its present session, the Working Group will consider the issues in the following order: reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities; examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities; the future role of the Working Group; and other matters. In the light of Commission resolution 2005/79, which proposed changes to the timing and mandate of the Working Group, these issues will be given particular consideration in the discussion on the future role of the Working Group.

### **Item 2 Organization of work**

4. It is proposed that five or six meetings be devoted to agenda items 3 (a), 3 (b) and 3 (c), and that two meetings be devoted to item 4 of the agenda, namely the future role of the Working Group.

#### **Item 3 (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**

5. Under this agenda item, observers representing minorities, Governments and others are invited to present information on measures that have an impact on minority rights, including obstacles and negative developments as well as positive measures taken.

6. The Working Group has suggested the reorganization of the debate under this agenda item as follows:

(i) A general debate on particularly important developments concerning minority situations around the world and to review and follow up on the minority situations raised at the previous session;

(ii) A clustering of the issues concerning Roma; Afro-descendants; nomads, pastoralists, hunter-gatherers and shifting cultivators; religious minorities; linguistic minorities; displaced minorities and other situations affecting minorities;

(iii) To consider effective enforcement mechanisms and remedies.

#### **Item 3 (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments**

7. The Working Group will continue its examination of solutions to minorities' problems. Mr. Jose Bengoa will present views on the relationship and differences between self-determination and autonomy approaches to dealing with minority issues, including from his working paper

(E/CN.4/Sub.2/AC.5/2004/WP.1). Additionally, a paper on this issue prepared by the European Centre for Minority Issues will be made available.

8. The Working Group will also continue its examination of ways to mainstream minority rights in the attainment of the Millennium Development Goals, with the submission of a paper by the Minority Rights Group (E/CN.4/Sub.2/AC.5/2005/WP.4).

9. Working papers relating to this agenda item will be made available, as well as a document on the role of national human rights institutions in protecting minority rights (E/CN.4/Sub.2/AC.5/2005/3).

**Item 3 (c)    Recommending further measures, as appropriate, for the promotion and protection of persons belonging to national or ethnic, religious and linguistic minorities**

10. The Working Group will continue to discuss further measures for the protection of persons belonging to minorities. The report of the United Nations High Commissioner for Human Rights to the sixty-first session of the Commission on Human Rights (E/CN.4/2005/81), submitted in accordance with Commission resolution 2004/51, will be made available.

**Item 4    The future role of the Working Group**

11. Consideration is to be given to the focus of the work of the Working Group, especially in the light of Commission resolution 2005/79, in which the Commission proposed to amend the mandate of the Working Group and requested the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues. The Commission's recommendations have to be endorsed by the Economic and Social Council at its next session. The relevant operative paragraphs 9, 6 and 7 of the resolution read as follows:

“9. *Commends* the role of the Working Group on Minorities of the Sub-Commission for the Promotion and Protection of Human Rights as an important forum for dialogue with non-governmental organizations and for examining solutions to problems involving minorities, and decides, in the light of the present resolution, to amend the mandate of the Working Group with a view to its holding one session of three consecutive working days annually during the time of the annual session of the Sub-Commission, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert, who shall participate as an observer;”

“6. *Requests* the United Nations High Commissioner for Human Rights to appoint an independent expert on minority issues for a period of two years, with the mandate:

(a) To promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultations with Governments, taking into account existing international standards and national legislation concerning minorities;

(b) To identify best practices and possibilities for technical cooperation by the Office of the United Nations High Commissioner for Human Rights at the request of Governments;

- (c) To apply a gender perspective in his or her work;
- (d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates, mechanisms as well as regional organizations;
- (e) To take into account the views of non-governmental organizations on matters pertaining to his or her mandate;"

"7. *Requests* the independent expert to submit annual reports on his/her activities to the Commission, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;"

## **Item 5 Other matters**

12. Under this item, members of the Working Group may consider a range of issues relating to its mandate and its activities and the adoption of the Working Group's conclusions and recommendations at its public meeting on 3 June 2005.

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