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Agenda item 3

Promotion and protection of all human rights, civil political, economic, social and cultural rights, including the right to development

**Albania^{*}, Argentina, Armenia^{*}, Australia^{*}, Austria^{*}, Benin^{*}, Bosnia and Herzegovina^{*},
Brazil, Canada^{*}, Chile, Colombia^{*}, Costa Rica^{*}, Croatia^{*}, Cyprus^{*}, Czech Republic^{*},
Denmark^{*}, Finland^{*}, Germany^{*}, Greece^{*}, Guatemala, Honduras^{*}, Hungary, Ireland^{*},
Italy^{*}, Japan, Liechtenstein^{*}, Luxembourg^{*}, Montenegro^{*}, Netherlands^{*}, Nicaragua^{*},
Norway, Peru^{*}, Poland, Romania^{*}, Serbia^{*}, Slovenia^{*}, Sweden^{*}, Switzerland, the
former Yugoslav Republic of Macedonia^{*}, United Kingdom of Great Britain and
North Ireland, Venezuela (Bolivarian Republic of)^{*}: draft resolution**

16/... Mandate of the Independent Expert on minority issues

The Human Rights Council,

Recalling the International Covenant on Civil and Political Rights and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and bearing in mind article 27 of the International Covenant on Civil and Political Rights and other relevant existing international standards and national legislation,

Recalling also all previous resolutions on the rights of persons belonging to national or ethnic, religious and linguistic minorities adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council, including Commission resolution 2005/79 of 21 April 2005 and Council resolutions 6/15 of 28 September 2007, 7/6 of 27 March 2008 and 13/12 of 25 March 2010,

Noting that 2012 will mark the twentieth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Emphasizing the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Stressing that the economic exclusion of persons belonging to national or ethnic, religious and linguistic minorities is a cause, a manifestation and a consequence of

^{*} Non-Member State of the Human Rights Council.

discrimination, both in the developed and in the developing world, and that their rights to participate effectively in economic life must be taken into account by Governments seeking to promote equality at every level,

Recognizing the importance of the full enjoyment of the rights of persons belonging to national or ethnic, religious and linguistic minorities for stability and the prevention of conflicts,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that persons belonging to minorities often suffer disproportionately the effects of conflict, resulting in the violation of their human rights, and are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the report of the Independent Expert on minority issues¹ and its special focus on the role of the protection of minority rights in conflict prevention;

2. *Also takes note* of the report of the United Nations High Commissioner for Human Rights on the rights of persons belonging to national or ethnic, religious and linguistic minorities² and of the compilation of United Nations manuals, guides, training material and other tools on minority issues,³ submitted to the Council at its sixteenth session;

3. *Commends* the Independent Expert on minority issues for her work and for the important role that she has played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her ongoing efforts to promote and protect their rights in order to ensure equitable development and peaceful and stable societies, including through close cooperation with Governments, relevant United Nations bodies and mechanisms and non-governmental organizations;

4. *Expresses its appreciation* to Governments and intergovernmental and non-governmental organizations that have given special attention to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and have supported the work of the Independent Expert;

5. *Also expresses its appreciation* for the successful completion of the first three sessions of the Forum on Minority Issues, addressing the right to education, the right to effective political participation and the right to effective participation in economic life and which, through the widespread participation of stakeholders, has provided an important platform for promoting dialogue on these topics, and encourages States to take into consideration, as appropriate, relevant recommendations of the Forum;

6. *Commends* the Forum for its contribution to the efforts of the High Commissioner to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities, including at the regional level;

¹ A/HRC/16/45.

² A/HRC/16/39.

³ A/HRC/16/29.

7. *Welcomes* the inter-agency cooperation of United Nations agencies, funds and programmes on minority issues, led by the Office of the High Commissioner, and urges them to increase their cooperation further by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, drawing also on relevant outcomes of the meetings of the Forum;

8. *Invites* the human rights treaty bodies and special procedures of the Council to continue to give attention, within their respective mandates, to the situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

9. *Decides* to extend the mandate of the Independent Expert on minority issues for a period of three years, and requests the Independent Expert:

(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 with the Office of the High Commissioner, at the request of Governments;

(c) To apply a gender perspective in his/her work;

(d) To cooperate closely, while avoiding duplication, with existing relevant United Nations bodies, mandates and mechanisms and with regional organizations;

(e) To take into account the views of non-governmental organizations on matters pertaining to his/her mandate;

(f) To guide the work of the Forum on Minority Issues, as decided by the Council in its resolution 6/15;

(g) To submit annual reports on his/her activities to the Council, including recommendations for effective strategies for the better implementation of the rights of persons belonging to minorities;

10. *Calls upon* all States to cooperate with and assist the Independent Expert in the performance of the tasks and duties mandated to him/her, to provide him/her with all the necessary information requested and to seriously consider responding promptly and favorably to the request of the Independent Expert to visit their countries in order to enable him/her to fulfil his/her duties effectively;

11. *Encourages* specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder;

12. *Invites* the Office of the High Commissioner, the Independent Expert and relevant United Nations agencies, within existing resources, as well as Member States, to explore possibilities for organizing activities to mark the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

13. *Requests* the Secretary-General and the High Commissioner to provide all the human, technical and financial assistance necessary for the effective fulfilment of the mandate of the Independent Expert;

14. *Decides* to continue its consideration of this issue in accordance with its annual programme of work.