

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – ITEM 3, INDEPENDENT EXPERT ON MINORITY ISSUES HUMAN RIGHTS COUNCIL, 10<sup>TH</sup> SESSION 12 AND 13 MARCH 2009

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### Overview

The Independent Expert on minority issues, Ms Gay McDougall, presented her annual report and reports on her country visits to Guyana and Greece.<sup>1</sup> She highlighted three aspects of her thematic work in 2008. During the interactive dialogue, only a small number of States commented on the reports. As concerned countries, Greece raised some concerns about a number of issues raised in the country visit report, and Guyana criticised the report on the country visit with regard to its scope, methodology, findings and conclusions.

### Presentation by the Independent Expert

Presenting her annual report and reports on the visits to Guyana and Greece, the Independent Expert on minority issues, Ms Gay McDougall, informed the Human Rights Council (HRC) on her **key activities** during 2008. She stressed that she continued to promote the implementation of the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (the Declaration), and that she had undertaken new thematic work, which focused on the question of education for minorities. She added that, pursuant to the requirement under the mandate to apply a gender perspective in her work, she has placed a high priority on issues of minority women. She stressed that information received consistently reveals that women belonging to minorities experience unique challenges.

Ms McDougall highlighted three aspects of her work in 2008.

- She stressed that she considers the **close cooperation with existing relevant UN bodies, mandates, mechanisms, and regional organisations** to be a particularly important element of her mandate. She mentioned the regular meetings of the Inter-Agency Working Group on Minorities to share information about ongoing initiatives relating to minorities. Furthermore, she particularly elaborated on the fruitful collaboration with the United Nations Development Programme (UNDP).<sup>2</sup>

<sup>1</sup> A/HRC/10/11, Add.1, Add.2 (mission to Guyana), Add.3 (mission to Greece).

<sup>2</sup> Her first thematic report focused on minorities, poverty alleviation strategies and the Millennium Development Goals (MDGs). She said that ‘the poorest communities in almost any region tend to be minority communities that have been targets of long-standing discrimination, violence or exclusion’. Her work concluded that more must be done in all regions to focus the development process sharply on the needs of minorities. During consultations, she found that the UNDP shares these concerns.

- She underlined that she consistently has highlighted the **importance of ensuring that minorities are represented in elected bodies** at the national and local levels and in institutions such as the police. In collaboration with the Inter-Parliamentary Union and the UNDP, Ms McDougall has contributed to the development of this ongoing project.
- She stated that she has placed a high priority on her **engagement with non-governmental organisations** (NGOs) from all regions. She stressed that she benefits greatly from the views and information provided by them in regard to all aspects of her work.

Additionally, the Independent Expert addressed her **two country visits** to Greece and Guyana. She thanked the government of **Greece** for its cooperation during her visit.<sup>3</sup> She considered the situation of the Roma, Muslims (in the region of Western Thrace), other religious minorities and communities claiming ethnic Macedonian identity. She also thanked the government of **Guyana** for its cooperation during her visit.<sup>4</sup> She stressed that this visit focused on the relations between and comparative situations of Afro-Guyanese and Indo-Guyanese. She noted that she considered the legacy and impact on communities of an ethnically divided society and ethnic-based politics, and made recommendations to ensure non-discrimination and equality is achieved through legislation, policy and practice.

### Interactive dialogue

Only a small number of States commented on the Independent Expert's report.

**Greece**, as a concerned country, thanked the Independent Expert for her visit to Greece which opened the way to frank and constructive dialogue. However, it raised some concerns about a number of issues raised in the report.<sup>5</sup> The most important issue of disagreement related to whether or not a 'Macedonian' minority exists in Greece. Greece stated that while it fully respects the right of each person to self-identity, it does not recognise a distinct ethnic or linguistic minority by the name 'Macedonian'. It further stated that, 'contrary to what the report states, those who claim to belong to a "Macedonian ethnic minority" enjoy full respect for their individual rights'. Greece disagreed with the remark that 'Greece promotes a singular national identity and that citizens who wish to freely express their ethnic identities face government blockages and in some instances, intimidation from other individuals or groups'.

Furthermore, it rejected the inclusion of a 'personal judgement' as regards the existence of a 'Macedonian ethnic minority' as well as of a 'Macedonian language'.<sup>6</sup> It stated that 'references in the report to the name "Macedonian" to denote an ethnic "minority" living in the Greek region of Macedonia or a "language" spoken in this region should have been avoided'. In this regard it underlined that a recommendation by UN bodies or mechanisms regarding the rights of persons claiming to belong to a "minority" cannot by itself determine the existence of a minority group or impose on States an obligations to officially recognise a group as minority. It stressed that these observations were also relevant with respect to the alleged limitations of the Muslim minority to have their 'Turkish identity' recognised. It underscored that it has repeatedly stressed that the Muslim minority in Thrace consists of three distinct groups, whose members are of Turkish, Pomak or Roma origin. Furthermore, it also addressed the situation of Roma in Greece and stated that this situation poses a number of challenges to Greek authorities and to society in general.

The Former Yugoslavia Republic of Macedonia expressed its satisfaction with the 'objective and un-biased' report on the country visit to Greece. It wished to hear from Ms McDougall the possible follow-up on the conclusions of the report. Turkey addressed the report on the country visit to Greece and stated that the report reflected to a great extent the problems faced by the Turkish minority of Western Thrace. It urged the Government of Greece to duly address these problems. The remarks of Macedonia gave rise to an exchange of rights of reply between Greece and Macedonia over the issue of a 'Macedonian' minority in Greece.

<sup>3</sup> A/HRC/10/11/Add.3 (report on the mission to Greece).

<sup>4</sup> A/HRC/10/11/Add.2 (report on the mission to Guyana).

<sup>5</sup> A/HRC/10/G/5 (comments of the government of Greece on the report of the independent expert of minority issues)

<sup>6</sup> In paragraph 84.

Replying to the remarks by Greece she emphasised two points: 1) the Muslim minority in Thrace indeed consists of three distinct groups and that the ethnicity of each group should be recognised and acknowledged and be given an ability to self-identify with no pressure by the Government to be identified in one way or the other; 2) that while minority issues are a legitimate concern of the international community, they should not be seen as tied to or implicating specific inter-State relations that might threaten the territorial integrity of any country.

**Guyana**, as a concerned country, criticised the report on the visit with regard to its scope, methodology, findings and conclusions. It expressed its regrets that the revised report still did not take account of objections that were made of ‘gross inaccuracies’, and insisted that these ‘inaccuracies’ should be removed. Among others, it criticised that the Ethnic Relations Commission was not mentioned in the report. In her response, however, Ms McDougall reaffirmed that this Commission was addressed in her report.<sup>7</sup> Guyana also criticised the report for defining the relations between Afro-Guyanese and Indo-Guyanese ‘as if those are minorities’, and for portraying Guyana as ‘as an apartheid, ethnically divided society’. It queried how the Independent Expert defined her mandate in countries where there is no distinct minority, and why she did not take up issues relating to the indigenous community. Ms McDougall responded that the definition of minorities she used is in line with that in the Declaration and ‘more importantly’ in the Commentary to the Declaration adopted by the Working Group on minorities in 2005.

Austria, Latvia and China expressed their appreciation for the efforts of the Independent Expert to work with different UN mechanisms. The Czech Republic (on behalf of the European Union) asked about the main challenges in working with UNDP and their field staff in incorporating minorities in the development process. The Independent Expert responded that the primary obstacle is lack of knowledge about minorities and about the existing international standards. She stated that her engagement with UNDP and specific countries is going a long way to address that.

The Czech Republic (on behalf of the EU) queried about whether there are certain regions that have been reluctant to respond to requests for visits. Ms McDougall only responded that Kazakhstan agreed to an early visit, and that she would welcome invitations from Asian and OIC countries.

Other issues raised included the following. The Czech Republic (on behalf of the EU) requested more information on persecution of minorities in Iran, in particular the Baha’is. The Russian federation expressed concern about mass statelessness. Pakistan (on behalf of the OIC) and China underlined the need to ensure educational opportunities for minorities. Latvia drew attention to the particular vulnerabilities of minorities during the current global crises.

### Further information

For further information on the Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council’s proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to [information@ishr.ch](mailto:information@ishr.ch).
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 10<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/10session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>.
- More informal documents and draft resolutions are available on the ‘OHCHR extranet’ at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: ‘hrc extranet’ Password: ‘1session’.

*NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.*

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<sup>7</sup> Starting from paragraph 30.

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The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at [www.ishr.ch](http://www.ishr.ch).

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