

Special Rapporteur on minority issues - Ms. Rita Izsák (Ms. Gay MacDougall (until July 2011))	
<p>UNGA Report of the Special Rapporteur on Minority Issues, Rita Izsák A/69/266 69th session of the General Assembly, September 2014</p>	<p>D. History of violence with impunity and tensions without reconciliation</p> <p>31. In some cases, violence or the threat of violence against certain stigmatized minority communities is common and almost socially accepted. Despite legislation in India (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, adopted in 1989) which bans caste-based discrimination, violence against Dalits remains widespread and their access to justice poor. In May 2013, the Special Rapporteur, along with other United Nations experts, noted that caste-based discrimination remained widespread and deeply rooted, that its victims faced violence, structural discrimination, marginalization and systematic exclusion and that the level of impunity was very high.</p>
<p>Communications to/from Governments A/HRC/27/72 (27th session of the HR Council, September 2014)</p>	<p>PAK 6/2014 Pakistan - Alleged death of at least 132 children in the Thar desert, Tharparkar district, Sindh province as a result of malnutrition. According to the information received, severe and chronic food and water shortages due to drought and extreme poverty are the principal causes of death. The majority of victims reportedly belong to the minority Dalit community. Reports suggest that the crisis has been exacerbated by insufficient investment in healthcare facilities with long standing vacancies in Government run hospitals and health centres, as well as a lack of female doctors, limiting the provision of adequate medical services. Undue delays on the part of the authorities to react to the crisis have reportedly resulted in the Sindh provincial Government being accused by the Supreme Court of failing to fully report the facts, highlighting its failure to distribute sixty thousand bags of wheat flour allocated to the region in December 2013.</p> <p>To mandates: Food; Health; Minority issues; Water and Sanitation</p>
<p>Report of the Independent Expert on minority issues, Rita Izsák A/HRC/25/56 25th HRC Session, March 2014</p>	<p>D. Additional activities.</p> <p>2. Events, conferences and outreach</p> <p>21. The Independent Expert has continued to raise awareness about discrimination on the basis of work and descent. On 24 May 2013, she led a joint statement calling for strengthened protection of more than 260 million victims of caste-based discrimination. On 16 and 17 December 2013, she participated in the Second South Asia Regional Consultation on Caste Based Discrimination in Kathmandu. The objective was to explore contemporary caste-based discrimination issues in the region, as well as to discuss United Nations action to combat such discrimination in country programmes.</p> <p>IV. Minorities in the context of specific areas of development consultation</p> <p>B. Education</p> <p>60. In 2009, of the world's 101 million children out of school, an estimated 50–70 per cent were from minorities or indigenous peoples. In Central Africa, the great majority of Batwa and Baka have not had access even to primary education. Only 13 per cent of children in sub-Saharan Africa have access to primary education in their mother tongue. In South Asia, Dalit girls are prevented from pursuing their education not only because of poverty, but through discrimination and sexual violence. Literacy levels are commonly much lower among Dalit girls. For example, in the Mushahar Dalit community in India, barely 9 per cent of women are literate (IDSN, recommendations on Dalits' access to education, submitted to the Forum on Minority Issues 2008). In Latin America, millions of indigenous and African descendant children work in fields, plantations or mines instead of being in school.</p> <p>C. Health</p>

64. In Nepal, according to UNDP, life expectancy of a Hill Dalit was 61 in 2009 compared to 68 for a higher caste Hill Brahmin. A 2011 Open Society Foundation study reported that Roma are disproportionately unvaccinated, have poorer than average nutrition and experience higher rates of infant mortality and tuberculosis. There is evidence that life expectancy among Roma communities is 10 to 15 years lower than in non-Roma communities. In Cameroon, visited by the Independent Expert in 2013, the access to health and health situation of Pygmy communities is extremely poor relative to other population groups. In Pakistan, UNICEF reports that the maternal mortality ratio for Baluchistan — largely inhabited by the Baluchi minority — is 758 per 100,000 live births, almost three times the national average of 276 per 100,000 and far from the MDG target of 140 per 100,000.

E. Hunger, food security and nutrition:

67. Directly linked to health concerns, minorities are frequently in a vulnerable situation in regard to hunger, food security and nutrition. High levels of poverty and extreme poverty, lack of access to employment or secure forms of income, land or land tenure all impact on their food security. In India, for example, child malnutrition is some 14–20 per cent higher for Scheduled Castes and Scheduled Tribes and has been declining at a slower rate than for the rest of the populations over the period of the MDGs. In country visits by the mandate holders to Rwanda (2011) and Cameroon (2013), food security and nutrition was a major concern of Batwa and Pygmy communities, many of whom are displaced from traditional forest habitats and can no longer maintain their hunter/gather lifestyles and access forest-based food sources.

G. Environmental Sustainability:

71. According to the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda: “Deepening resilience among vulnerable populations and reducing risks of disasters and other shocks must be central to limiting the social and economic costs of disasters, in terms of death, hunger, malnutrition, displacement and forced migration.” Equally, Claus H. Sorensen, Director-General of the European Commission Directorate General for Humanitarian Aid and Civil Protection stated:

“Those who are most vulnerable and marginalised need primary attention when a disaster strikes, both because the impact of the disaster is likely to be higher on them than others, and because of the likelihood that they find themselves excluded from response and recovery efforts. By systematically addressing in each action the inclusion of those who are marginalised (in particular, persons affected by caste discrimination, minorities, as well as persons with disabilities, women, and the elderly), lives have been saved, the suffering of those in need has been alleviated, and their dignity protected.” (International Dalit Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 2.)

72. In South Asia, experiences from the 2001 Gujarat earthquake, the 2004 Asian Tsunami and flooding in Nepal in 2008, the Indian States of Bihar, Andhra Pradesh, Karnataka and Assam during 2007–2009, and Pakistan in 2010, demonstrated that Dalits are frequently the worst affected and also often “systematically excluded from relief and recovery efforts” (International Dalit Solidarity Network, Equality in aid: Addressing Caste Discrimination in Humanitarian Response (2013), p. 3.). The impact of Hurricane Katrina and its aftermath on African-American communities was well documented as were deficiencies in the relief and reconstruction efforts. Minorities may be more vulnerable to natural disaster due to the location of their homes in marginal locations, vulnerable occupations, and poor-quality housing. The environmental impact of development mega-projects often has a disproportionate impact on minorities, as demonstrated by the impact of aggro-business projects on Afro-Colombian minorities and their lands and indigenous minorities in the Gambella region of Ethiopia displaced from their lands, as well as the impact on Pygmy

	<p>communities of the Chad-Cameroon oil pipeline in Cameroon — a few of many examples.</p> <p>J. Water</p> <p>77. The Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, focused her 2012 report to the Council (A/HRC/21/42) on stigmatization in the realization of the rights to water and sanitation. The report examines different manifestations of stigma in the context of the human rights to water and sanitation and explores recommendations for policymaking and solutions to prevent and respond to human rights violations resulting from stigma. The Special Rapporteur found that stigma pushes people to the margins of society and results in the rejection, avoidance and marginalization of certain groups. Access to water and sanitation for many Roma communities is notoriously precarious. Similarly, the report highlights that Dalit habitations are often systematically excluded from service provision.</p> <p>V. Conclusion and recommendations</p> <p>85. The post-2015 framework of new goals should be based on human rights, including minority rights as established in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and the principles of equality, non-discrimination and participation. A focus on disadvantaged minorities and specific minority groups, including Roma, people of African Descent, Dalits, and disadvantaged religious and linguistic minorities worldwide would potentially bring much needed development attention to millions of the most excluded and impoverished peoples globally.</p>
<p>Communications Report of Special Procedures</p> <p>A/HRC/24/21</p> <p>24th session of the HRC, September 2013</p>	<p>Joint Other Letter sent 2 May 2013 by the Special Rapporteurs on Minority Issues and Racism</p> <p>United Kingdom of Great Britain and Northern Ireland - New amendment to introduce anti-caste legislation in the UK. According to the information received, on 4 March 2013, the House of Lords of the United Kingdom of Great Britain and Northern Ireland voted in favour of amendment number 37 to the House of Lord Bill 95, which called for caste to be recognized among other forms of discrimination in the Equality Act, 2010. On 23 April 2013, the House of Commons voted in favour. It is reported that caste-based discrimination exists in the United Kingdom and specifically within the Indian community and there is no official data on the Dalit population in the UK who constitute the main victims of caste based discrimination. Reportedly the introduction of the amendment would be instrumental in addressing the existing legal protection gap for victims of caste-based discrimination and harassment.</p>
<p>Report of the Independent Expert on minority issues, Rita Izsák</p> <p>A/HRC/22/49</p> <p>22nd HRC session, December 2012</p>	<p>Focus on the rights of linguistic minorities</p> <p>A. Thematic reports</p> <p>3. The mandate holder is required to report to the General Assembly annually, pursuant to Assembly resolution 66/166 (para. 21). The Independent Expert presented her first annual report to the General Assembly at its sixty-seventh session, on 2 November 2012. The report (A/67/293) contained a thematic discussion on the role and activities of national institutional mechanisms protecting and promoting minority rights. The Independent Expert considered the value of institutional attention to minority issues in governmental organs, national human rights institutions and other relevant national bodies as a means of promoting minority rights and mainstreaming attention to minority issues across all relevant national bodies. States were urged to consider institutional attention as an essential component of their human rights, equality and non-discrimination obligations and a means to practically implement the 1992 Declaration on Minorities.</p> <p>D. Consultations and meetings</p>

	<p>6. The Independent Expert welcomes the decision of the Secretary-General in March 2012 to establish the United Nations network on racial discrimination and protection of minorities, to be coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The network will enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds and develop a guidance note for the United Nations system on how to address racial discrimination and protection of minorities in line with core human rights standards. The Independent Expert noted her readiness to assist the network, and on 26 November attended its second meeting to update members on her activities and priorities and provided some practical recommendations.</p> <p>10. The Independent Expert has noted that, while the 2015 deadline for achieving the Millennium Development Goals is approaching, progress in achieving the Goals for minorities has not met expectations, and emphasized that renewed attention should be given by all States to the situation of minorities. She also participated in and submitted contributions to consultations on inequalities in the development agenda beyond 2015. She emphasized the need for solutions that work effectively for disadvantaged minorities, and that strategies beyond 2015 should better address and target the development needs and human rights of minorities. She participated in a side event on this issue hosted by the United Nations Children’s Fund (UNICEF) on 28 November 2012, during the fifth session of the Forum on Minority Issues.</p>
<p>Annual report of the independent expert on minority issues, Ms. Rita Iszàk A/67/293 (67th session of the UN General Assembly, October 2012)</p>	<p>VIII. The role of independent national human rights institutions</p> <p>79. National commissions exist in numerous countries and may be general bodies or address thematic or group specific issues.[...]</p> <p>81. Besides its National Human Rights Commission, Nepal also has a National Dalit Commission, which was established in 2002 in recognition of the fact that caste discrimination and untouchability practices continue. It promotes implementation of national and international law and advocated for the Caste-based Discrimination and Untouchability Act, adopted in May 2011, which criminalized such discrimination in private and public spheres. Among its activities was the organization of a 100-day campaign against caste discrimination, in collaboration with the office of the United Nations High Commissioner for Human Rights in Nepal, launched in September 2011 by the President and the High Commissioner.</p>
<p>Annual report of the independent expert on minority issues, Ms. Rita Iszàk A/HRC/19/56 (19th HRC session, March 2012)</p>	<p>In her annual report to the Human Rights Council (A/HRC/19/56), the Independent Expert recognises that women and girls belonging to minorities frequently face multiple or intersecting forms of discrimination emanating from their status as members of minorities and as women or girls. This may make minority women and girls particularly vulnerable to violations and the denial of their rights in both public and private life. Without explicit recognition of the different life experiences of minority women and men, such discrimination will often go unnoticed and not be addressed adequately.</p> <p>“E. Achieving the Millennium Development Goals for disadvantaged minorities</p> <p>33. The Declaration on Minorities states in article 4 that “States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country”. Nevertheless some disadvantaged minority groups in all regions continue to face high and disproportionate levels of poverty and face discrimination and marginalization that impacts on their rights and opportunities in all fields of life, including their education, access to employment and participation in economic life, their access to adequate housing, health and service provision.</p> <p>34. The independent expert considers the work undertaken by the mandate to highlight the situation of minorities in the context of the Millennium Development Goals³ to be</p>

	<p>highly important as the international community approaches the 2015 deadline for achieving the Goals. She considers that efforts by States to ensure that the Goals are met for the poorest and most disadvantaged communities, frequently including minority groups, should be intensified including via interventions targeted at particular minority communities. Millions of persons belonging to minorities globally, including, for example, people of African descent, Roma, Dalits and others, are at risk of being left behind by initiatives that fail to benefit them due to discrimination, lack of adequate attention to their unique circumstances of poverty, or neglect.</p> <p>35. Minority communities frequently experience discrimination and exclusion which leave them in situations of poverty and which require targeted solutions. The independent expert encourages States to recognize that one-size-fits-all solutions to achieve the MDGs will often not be effective for minorities who are frequently the poorest of the poor, who may live in remote or isolated localities and who may experience widespread discrimination in society resulting in entrenched exclusion and poverty. She will urge States to give specific attention to minority groups in the context of their efforts to achieve the Goals, to conduct rigorous needs assessments as well as research into the impact of Millennium Development Goal programmes and activities on minorities and to evaluate the extent to which progress has been made or remains required for minority groups.”</p>
<p>Annual report of the former independent expert on minority issues, Ms. Gay McDougall A/HRC/16/45 (16th HRC session, March 2011)</p>	<p>In this report, the independent expert announced the publication <i>Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit2</i>, which was launched and distributed to UNDP offices and staff globally on 26 May 2010 (para. 14-16).. ”The <i>Resource Guide and Toolkit</i> provides an overview of the international and regional legal standards and mechanisms relevant for minority rights and will enable UNDP staff in all regions to understand the key conceptual issues and fundamental principles for the promotion and protection of minority rights. It reviews programming opportunities and relevant strategies for UNDP to integrate minorities in development, including capacity development support for government officials and institutions, UNDP staff and minorities, as well as possible entry points for effective advocacy and partnership building efforts.”</p> <p>The resource guide contains several references to caste discrimination and the situation of Dalits, as well as the ‘draft UN principles and guidelines for the effective elimination of discrimination based on work and descent’ in text box.</p>
<p>Annual report of the former independent expert on minority issues, Ms. Gay McDougall A/HRC/13/23 (13th HRC session, March 2010)</p>	<p>In her annual report to the Human Rights Council, the Independent Expert expresses her support to the draft UN principles and guidelines for the effective elimination of discrimination based on work and descent contained in the final report on discrimination based on work and descent (A/HRC/11/CRP.3) which was published by the Human Rights Council in accordance with decision A/HRC/10/117:</p> <p>“8. The independent expert fully supports the outcome of the Durban Review Conference and urges States to fulfil their obligations and commitments in the area of anti-racism, non-discrimination and equality. She has encouraged and supported new and emerging initiatives to combat long-standing and entrenched manifestations of discrimination in all regions; for example, the independent expert welcomes and urges further discussions on the draft United Nations principles and guidelines for the effective elimination of discrimination based on work and descent as an important contribution to the global struggle to combat discrimination on the grounds of work and descent which often affects members of minority groups.”</p>
<p>Annual report of the independent expert on minority issues, Ms. Gay McDougall A/HRC/10/11</p>	<p>The report to the Council by the Independent Expert provided a summary of activities undertaken by the IE, including the first session of the forum and the ongoing collaboration of the independent expert with the United Nations Development Programme (UNDP) with the aim of strengthening UNDP engagement with minorities in development processes.</p>

<p>(11th HRC session, June 2009)</p>	<p>“Forum on Minority Issues</p> <p>The inaugural session of the Forum on Minority Issues was held on 15 and 16 December 2008. The Forum considered the thematic issue of “Minorities and the Right to Education”. Some Dalit representatives participated in the Forum in 2008 to highlight the situation of Dalit girls and boys in access to education and IDSN submitted suggestions for recommendations in the final outcome documents.</p> <p>UNDP Resource Guide</p> <p>15. [...] A UNDP Resource Guide on Minorities in Development was produced in cooperation with OHCHR and following extensive consultations with UNDP country offices and staff. A validation consultation on the draft UNDP Resource Guide on Minorities in Development was subsequently held on 2 and 3 December 2008 in New York to critically review the draft guide. The consultation also sought, inter alia, to share challenges and good practice in addressing minority issues in development, and to further enhance the inclusion of minority issues in UNDP programming. The guide will be finalized by mid-2009.</p> <p>Regional activities</p> <p>21. As part of her interaction with country and regional NGOs the independent expert attended the Regional Workshop on Minority Issues in Southeast Asia from 21 to 23 January 2008, held in Bangkok. The workshop was organized by the Asian Forum for Human Rights and Development (Forum-Asia) in cooperation with the International Movement Against All Forms of Discrimination and Racism (IMADR), and Minority Rights Group International (MRG). The workshop brought together some 30 representatives of minority communities and minority rights organizations in Southeast Asia engaged in the promotion and protection of minority rights. [...]</p> <p>22. The workshop was the first on the theme of minority issues to take place in the region. It considered minorities in the region in the context of numerous thematic issues including the right to culture; economic and development participation; health, education and the MDGs; political participation; and the situation of minority women. [...]</p> <p>Requests for country visits</p> <p>5. The IE looks forward to continuing a dialogue with, amongst others, Bangladesh, Malaysia, Nepal, Surinam, and Sri Lanka, to whom she has made requests to visit.”</p>
<p>Annual report of the independent expert on minority issues, Ms. Gay McDougall A/HRC/7/23 (7th HRC session, March 2008)</p>	<p>The thematic focus of the report of 28 February 2008 are issues relating to the discriminatory denial or deprivation of citizenship as a tool for exclusion of national, ethnic, religious and linguistic minorities. In the report, she also writes that she looks forward to continuing a dialogue with Bangladesh, Nepal, and Sri Lanka, among others, to whom she has made requests to visit.</p> <p>V. IMPACT OF DISCRIMINATORY DENIAL OR DEPRIVATION OF CITIZENSHIP ON MINORITIES</p> <p>VI. REGIONAL PRACTICES</p> <p>B. Asia</p> <p>56. There are a range of situations in Asia in which minority groups have been arbitrarily denied or deprived of their nationality, typically because they are viewed as not belonging to the mainstream of society on account of their minority status or because their ancestors migrated to the territory relatively recently. As in other regions, these situations often result from legislation which was designed to exclude specific populations by, for example, imposing evidentiary requirements for acquisition or confirmation of citizenship which are impossible to meet. These</p>

	<p>situations are sometimes compounded by discrimination against women in regard to acquisition, change and retention of nationality and conferral of nationality on their children. In recognition of the negative impact of statelessness, a number of States have recently taken measures to grant or confirm nationality of minority populations.</p> <p>57. Despite the fact that the Urdu-speaking minority in Bangladesh, the Biharis, qualify for citizenship under the Constitution and nationality legislation, it is reported that an estimated 300,000 Biharis were, until recently, still being denied citizenship mainly on the basis of accusations of disloyalty and political support for Pakistan. For more than 30 years, this minority community has reportedly not only been denied citizenship, but also segregated from the rest of the population and has faced severe discrimination regarding opportunities to obtain a decent living standard, access to education and employment. In a favourable development, the Government recommended in September 2007 that citizenship be granted to most of the Bihari community habitually residing in Bangladesh.</p> <p>60. In Nepal, ingrained discriminatory sentiments mainly against Madhesis, Dalit and Janjatis have been blamed for the denial or deprivation of citizenship and undocumented status of such groups. However, the Government recently granted citizenship to about 2.4 million previously stateless persons, including approximately 1.2 million Madhesis from the Terai region. This was made possible by the introduction of a new citizenship law in 2006, followed by a government initiative in early 2007 to create mobile teams which visited the country's 75 districts, including the remotest of regions, to issue citizenship certificates. Efforts are still needed to ensure that those who did not benefit from the latter process may take advantage of opportunities for late registration.</p> <p>61. In Sri Lanka, despite having lived there for generations, "estate" or "plantation" Tamils were historically denied the right to Sri Lankan nationality because of their status as plantation workers and the country's stringent citizenship laws. Following community efforts, in 2003, legal developments led to the immediate conferral of citizenship to this minority group. Mobile clinics and information campaigns supported by UNHCR and the direct involvement of the minority concerned were critical to success. Follow-up is however necessary, as reports indicate that the process of obtaining the necessary documentation has slowed down in recent years; a problem which may be associated with the ongoing conflict in the country.</p>
<p>Summary of cases transmitted to Governments and replies received</p> <p>A/HRC/7/23/Add.1 (7th HRC session, March 2008)</p>	<p>This report of 3 March 2008 is an addendum of the annual report of the Independent Expert on Minorities Issues. It refers to two joint letters of allegation sent to the Government of India and Nepal together with other Special Rapporteurs.</p> <p><u>INDIA</u></p> <p>Letter of allegation</p> <p>19. On 19 December 2007, the independent expert sent a joint letter of allegation to the Government of India in regard to the Dalit minority. This letter of allegation was sent jointly with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on violence against women, its causes and consequences, regarding acts of violence perpetrated against Dalit Women in India. Further details of this communication are available in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/7/19/Add.1, Para 64-70).</p> <p><u>NEPAL</u></p> <p>Letter of allegation</p> <p>37. On 4 September 2007, the independent expert sent a joint letter of allegation to the Government of Nepal in regard to the Tamang and Chepang (Tsepeng) communities and the Dalit communities. This letter of allegation was sent together</p>

	<p>with the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people regarding the situation of the right to food of these communities, living around the Royal Chitwan National Park (RCNP), in Nawalparasi District. Further details of this communication are available in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (A/HRC/7/16/Add.1).</p>
<p>Report of the Independent Expert on Minority Issues, Ms. Gay McDougall following her mission to Ethiopia (28 November-12 December 2006) A/HRC/4/9/Add.3 4th session of the Human Rights Council, March 2007</p>	<p>I. Recognition of Minorities in Ethiopia</p> <p>6. Government census statistics from 1994 reveal that the Amhara and Oromo ethnic groups each comprise about 30 per cent of the population, while the Somali and Tigrayan ethnic groups each comprise circa 6 per cent. Numerous other groups make up the remainder of the Ethiopian population of over 70 million, with only the Afar, the Gedeo, the Gurage, the Hadiya, the Keffa, the Sidama, and the Wolaita officially constituting more than 1 per cent of the overall population. The populations of some of the smallest ethnic groups can be counted in the hundreds and research is still required to fully document all communities. Some have estimated that the true number of ethnic groups, including subgroups and “caste-groups” is far higher</p>