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DRAFT RECOMMENDATIONS ON MINORITIES AND EFFECTIVE POLITICAL PARTICIPATION

Note by the Secretariat*

I. INTRODUCTION

1. Many situations around the world demonstrate that an adequate representation of persons belonging to minorities¹ in policy and decision-making by society is instrumental in breaking the cycle of discrimination and exclusion suffered by members of these groups, as well as their disproportionate levels of poverty and related impediments to the full enjoyment of many civil, cultural, economic, political and social rights. Ensuring the promotion of meaningful and informed consultation and participation and the management by minorities of matters directly affecting them as a way of protecting and promoting their interests and identities, is a means for promoting stability and integration in the societies where minorities live.

2. In its commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Working Group on Minorities stated that “the right to participate in all aspects of the life of the larger national society is essential, both in order

* Late submission.

¹ The definition of “minorities” focuses on persons who are (a) distinct from the larger societies in which they live, based on race, ethnicity, religion, their mother tongue or cultural practices, and (b) who, as a group, are non-dominant or disadvantaged in terms of their power relations with the majority population. The term “minority” does not require an exacting assessment of relative population numbers.

for persons belonging to minorities to promote their interests and values and to create an integrated but pluralist society based on tolerance and dialogue”.² The Working Group also emphasized that “effective participation requires representation in legislative, administrative and advisory bodies and more generally in public life”.³

3. In accordance with Human Rights Council resolution 6/15, the draft recommendations below will form the basis for the discussions during the Forum session, which seeks to provide concrete and tangible outcomes in the form of thematic recommendations of practical value to all stakeholders. These action-oriented recommendations are aimed at increasing the inclusion of minorities within the State while enabling them to maintain their own identity and characteristics, thus promoting the good governance and integrity of the State. The outcome document containing the final version of the recommendations will be presented by the independent expert on minority issues to the Council at its thirteenth session, in March 2010.

4. The range of issues included in the recommendations is not exhaustive. They should be interpreted in a generous spirit in cooperation with the communities, in the light of the demand that human rights instruments be interpreted and standards applied be effective in practice, so that they can make a real difference to the lives of human beings.

5. The recommendations are based on international norms. In addition to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the commentary thereto, the recommendations are based on other relevant international and regional human rights standards and principles, other guidelines developed by different stakeholders and national legislation. The Declaration on Minorities is inspired by article 27 of the International Covenant on Civil and Political Rights; the jurisprudence and general comments of the Human Rights Committee, particularly regarding the implementation of articles 25 and 27, have also informed these recommendations.

6. The present document, which should be read in conjunction with the background document (A/HRC/FMI/2009/3), seeks to provide decision-makers, public officials, non-governmental organizations, academics and other stakeholders with an overview of possible options to enable them to make adequate and informed choices when designing legislation and policies aimed at increasing minority participation. While there are no “one-size-fits-all” models for every conceivable context, the different options identified and reviewed offer a number of positive examples of moving towards more effective participation and representation of minorities, consistent with the ideals of democracy, the rule of law and respect for fundamental human rights. Moreover, a country situation will obviously evolve over time and therefore need to be assessed on a frequent basis in order that proper mechanisms for the effective participation of minorities, may be determined.

7. The recommendations are phrased in broad terms and can be implemented in countries with diverse historical, cultural and religious backgrounds, with full respect for universal human

² E/CN.4/Sub.2/AC.5/2005/2, para. 35.

³ *Ibid.*, para. 44.

rights. They take into account the fact that, owing to the great variety and developments of situations, standard solutions are generally neither possible nor desirable, and especially with respect to the different levels of government.

8. At the most basic level, where they are scrupulously implemented, respect for fundamental human rights, including the right to non-discrimination and the right to vote and to be elected, will contribute to the participation and representation of persons belonging to minorities, as well as to prevent tensions and thus assist in the maintenance of peace and stability.

9. The implementation of the right to effective political participation of minorities is fundamental for States. At the same time, their effective realization of full minority participation in political life is a prerequisite for the enjoyment of other fundamental human rights by persons belonging to minorities. Effective participation includes a wide range of possible forms, such as access to information, freedom of expression, civic advocacy and activism, as well as direct involvement in electoral politics. It can be ensured through different channels, ranging from consultative mechanisms to special parliamentary arrangements, and may even include forms of autonomy where appropriate.

II. RECOMMENDATIONS

A. Governments and parliaments

10. Governments should adopt a policy statement in which they recognize the diversity within their respective societies with respect to race, ethnicity, religion and mother tongue, and which highlights the importance of ensuring that this diversity is indeed reflected in all public institutions and bodies, including national parliaments, the civil service, the police and the judiciary. This policy statement should lead to the development of a plan of action to ensure greater and sustainable minority political participation. The plan of action should include, inter alia, the development of educational programmes and campaigns that promote political participation, ensure diversity and multiculturalism among public administration staff, the adoption of positive measures to increase the political participation of minorities and the allocation of sufficient resources to realize the objectives identified.

11. Minorities must be fully involved on an informed basis in the debates on the design of a plan of action, guaranteeing a diverse representation of political and civic organizations in order to determine the appropriateness of measures to be included in the plan.

12. A central element of the plan of action should be the establishment of a specific mechanism or institutional procedure to conduct a baseline survey and to monitor, on a regular basis, the progress achieved towards increasing minority participation. Progress data should be published annually in an easily accessible format, and discussed annually in public meetings with civil society.

13. Where minorities are concentrated geographically, electoral districts, a proportional representation system or some other electoral design should be put in place, where practicable, to increase opportunities for minorities. Conversely, governments should not reshape electoral districts or change the electoral system in a way that may weaken minority representation. Governments should ensure that minorities are able to participate in elections in a meaningful

way. They should design and review all electoral systems to ensure that they are appropriate to the particular needs of the society and all minorities in it, amending measures that have the effect of discriminating against particular minorities and their representatives.

14. Literacy, language, religious or other requirements that disproportionately exclude minorities from the right to vote or to stand for elected office at the national, regional or local level should be removed, as they breach the prohibition of discrimination and often result in minorities not being able to participate effectively in political life.

15. Legislation or other State measures that prohibit the use of a minority language during elections, either by political parties or electoral authorities, should be removed. As far as possible, electoral authorities should provide voting and information in the languages used by voters in the areas where they are concentrated. Information and materials about voting should be available in minority languages.

16. Civic education programmes informing minorities of how they can have access to the electoral system should be developed and tailored as far as possible to every minority group present in the State. Strong civic education programmes should be a central component of all public education curriculums, defining citizens' roles and responsibilities and encouraging broad-based political participation for all. Governments should sponsor well-funded projects to boost political participation, enhance civic activism and education and promote issue-based advocacy, particularly in minority communities.

17. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty or impediments to freedom of movement, which prevent persons entitled to vote from exercising their rights effectively.

18. Governments and parliaments should ensure the effective functioning, including by attributing sufficient financial resources, of national agencies, institutions and/or mechanisms with responsibility for promoting minority political participation. Effective coordination between ministries and with all governmental institutions dealing with issues related to effective participation of minorities should be ensured.

19. Governments should take special measures to aid in realizing the right to non-discrimination. They should consider for instance instituting independent monitoring and individual complaints mechanisms, such as the ombudsperson function, adopted in a number of countries, and free legal services. These mechanisms should be made available in the geographic regions and languages of minority communities, remain free from partisan influence, and be adequately resourced.

20. Governments should regularly collect up-to-date data on the situation of persons belonging to minorities in order to monitor their effective and meaningful participation. Such data-gathering exercises should take place in an ethnically sensitive manner, proceeding through statistical or other operations on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, in accordance with international standards of personal data protection, as well as on the basis of their self-identification as members of the groups

concerned. States should design methods of collection of such data in close cooperation with minorities; wherever possible, representatives of the minorities concerned should be involved throughout the process of data collection.

21. States should ensure that all mechanisms, procedures and institutions established to promote and increase the political participation of persons belonging to minorities take into account the specific needs of minority women, as well as other groups within minority communities potentially subjected to intersectional discrimination.

B. Political parties

22. Political parties should be aware of the diversity of the society and/or communities that they represent and make active efforts to take concrete steps to reflect such diversity. They should adopt policy statements recognizing the importance of reflecting diversity in their work and develop a plan of action to increase the level of minority participation within their ranks, with specific targets and measurements.

23. Political parties based mainly on minority or regional affiliation should not be prevented from operating or banned merely for that reason. They may often assist in increasing a minority's representation and are linked to the exercise of freedom of association.

24. Political parties should adopt codes of conduct against inflammatory racist rhetoric and racist political platforms, not only during campaign periods but also between elections. Furthermore, there should be internal party mechanisms imposing strong sanctions against party candidates who violate those codes of conduct, especially when they are part of the party leadership.

25. Political parties should develop strategies for more effective outreach to potential supporters and constituents, beyond campaign periods, to develop long-term dialogue with all communities and non-governmental organizations (civil society) to address instances of discrimination, the situation of minorities, and their political participation. They should allocate resources and time to researching public opinion and policy options on issues concerning minorities. They should actively seek to ensure that all groups in society are aware of their existence and provide opportunities for different groups to engage with them.

26. Political parties should establish mentoring programmes through which successful minority politicians can act as role models, encouraging others to run for office, raising awareness on minority political participation and reaching out to the majority population, to ensure continuous dialogue between all groups making up society.

C. National human rights institutions

27. National human rights institutions should ensure that they are representative of the diversity of their respective societies, reflecting the full spectrum of views, issues and challenges. They should put in place a specific mechanism within their secretariat to address minority issues, develop outreach programmes and civic education aimed at, inter alia,

increasing the effective political participation of persons belonging to minorities. They should ensure that persons belonging to minorities are both involved in and have access to all their programmes, including in the complaint mechanisms, and ensure that human rights materials are available in the minority languages.

D. Civil society

28. Civil society should:

- (a) Seek to play a role in breaking down the barriers preventing effective political participation of minorities, including by drawing on different approaches, such as capacity-building and training, to ensure that representatives of minorities can participate effectively;
- (b) Develop civic education projects targeted at minority communities, highlighting the citizen's rights, roles and responsibilities, and train young persons belonging to minorities in the skills of negotiation, communication, advocacy, policymaking and governance;
- (c) Engage constructively with parliament, local councils and government agencies at all levels by clearly articulating policy options and utilizing citizen initiatives to promote a defined legislative agenda;
- (d) Coordinate and network more effectively, both among minority non-governmental organizations and across ethnic lines, to share best practices and lessons learned, maximize resources, avoid duplication of projects and develop more effective issue-based coalitions;
- (e) Increase minority leaders' effectiveness in government through training and training of trainers for minorities' organizations on legislative processes, drafting, debate, coalition-building, advocacy, strategic planning and public speaking; they should involve members of the majority in training to strengthen their support for the participation of minorities;
- (f) Cooperate with other stakeholders to push for implementation of legal reforms to advance the role of minorities in government.

E. Treaty bodies

29. Treaty bodies should continue to pay attention to effective political participation of minorities and obstacles to the effective realization of their rights during their dialogues with States parties on the implementation of their treaty obligations, as well as measures taken to eliminate all forms of discrimination. They should encourage States parties to involve minorities in all stages of the monitoring and implementation process of international treaty obligations.

30. Treaty bodies are encouraged to use the recommendations of the Forum when considering implementation by States parties of their treaty obligations so as to encourage the implementation of the Forum's recommendations.

F. The international community, including United Nations agencies

31. The international community should allocate sufficient resources to projects to boost political participation of minorities, enhance civic activism and education and promote issue-based advocacy of minorities. When providing support for the participation of minorities in government, international donors should use local partners; for instance, donors should fund projects through domestic non-governmental organizations to reduce specific barriers to minority political participation and improve minority inclusion in general.

32. United Nations agencies should support the implementation of recommendations of United Nations human rights mechanisms relating to political participation of minorities by, inter alia, ensuring the translation and broad dissemination of recommendations into minority languages, encouraging and facilitating the use of the recommendations by all relevant actors at the national level, and consider the observations and recommendations of United Nations human rights mechanisms and procedures when preparing United Nations planning instruments, such as the Common Country Assessment/United Nations Development Assistance Frameworks and agencies' specific programmes.

33. The Office of the United Nations High Commissioner for Human Rights (OHCHR) should:

(a) Sponsor training workshops to support the implementation of the recommendations of the Forum on effective political participation of minorities, including initiatives such as regional networking workshops for minority political actors and other stakeholders;

(b) Support activities for training/capacity-building and outreach, including for representatives of minorities;

(c) Establish a panel of officials and experts on how to mainstream the right of minorities to effective participation in the activities of the United Nations;

(d) Develop awareness-raising material, including in different minority languages, with a specific focus on the right to political participation.

34. OHCHR, in cooperation with the United Nations Development Programme, should establish country-specific consultative structures for minorities on participation in political processes.

35. OHCHR, in cooperation with the Inter-Parliamentary Union, should organize an international meeting of representatives of parliamentary committees or other parliamentary structures devoted to human rights and/or minorities to discuss the participation of minorities in political decision-making and to encourage networking between such structures.

36. The Inter-Agency Group on Minority Issues should devote one of its upcoming meetings to the topic of effective participation by minorities, to discuss the respective roles of its members in promoting effective participation, within the larger framework of article 9 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

37. In order to ensure the effective participation of minorities in the deliberations held at the level of the United Nations, governments should consider providing funding for the participation of civil society minority representatives in future sessions of the Forum on Minority Issues and other relevant meetings.

G. Media

38. In both the public and private sectors, the media should make efforts to inform society at large of minority-related issues, including by broadcasting in minority languages and consistently emphasizing the importance of political participation for minorities. Special programmes should be developed during elections with a view to raise awareness in minority communities on the issues at stake, the different political parties, important dates, registration procedures and other relevant information.

39. The media should adopt codes of conduct that strive for balanced coverage and ensure equal media access to all candidates, or where more appropriate, each political party, in any particular set of elections.

40. In developing self-regulatory bodies and codes of conduct, media stakeholders should ensure that excessive politicization of minority issues through the media is avoided and closely monitored. Also, the effective participation of persons belonging to minorities in media-related bodies, such as supervisory boards and independent regulatory bodies, public service broadcast committees and auditors' councils and other media-related bodies, as well as in production teams, should be ensured.
