

FORUM ON MINORITY ISSUES SECOND SESSION

Minorities and Effective Political Participation

12 and 13 November 2009
Palais des Nations, Geneva

SUMMARY BY THE CHAIRPERSON OF THE FORUM

Ms. Barbara Lee, Member of U.S. Congress

Pursuant to Human Rights Council resolution 6/15 of 28 September 2007, a forum on minority issues has been established to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the independent expert on minority issues. The Forum shall identify and analyze best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The Forum meets annually for two working days allocated to thematic discussions. The independent expert on minority issues, Ms Gay McDougall, shall guide the work of the Forum, prepare its annual meetings and report on its thematic recommendations to the Human Rights Council.

The second session of the Forum took place on 12 and 13 November 2009 in Room XX at the Palais des Nations in Geneva, Switzerland. Ms. Barbara Lee, member of the United States House of Representatives, was appointed as Chairperson of the Forum for this second session focusing on: "**Minorities and Effective Political Participation**".

As the only United Nations meeting relating to minority issues, the Forum offers a unique opportunity for engagement and dialogue with a wide range of stakeholders including representatives of Member States, United Nations specialized agencies and human rights treaty bodies, inter-governmental and regional organizations, as well as non-governmental organizations, national human rights institutions, academic and experts and civil society on minority issues.

In addition to this wide range of stakeholders, this session of the Forum brought together members of minority populations from all regions of the world, who were either elected officials or had been candidates at national or local levels, engaged in political parties, or who were actively engaged in developing programs to encourage greater participation of minorities in the political process. Over 500 individuals were accredited from all categories to participate in this second session of the Forum, including more than 80

minority political actors and special guests, delegates from over 45 States as well as representatives of some 95 NGOs¹.

A background document on “Minorities and Effective Political Participation” and a set of draft recommendations had been made available to all Forum participants, and formed the basis for the discussions².

Format of the Forum

To help focus the discussions during the two days of the Forum and ensure that they would be highly inter-active, each agenda item started with presentations made by minority actors or specialists before the Forum would hear interventions from participants, based on a sign-up sheet.

Forum Reports

The present document is prepared in accordance with Human Rights Council resolution 6/15 which requests the Chairperson to prepare “a summary of the discussion of the Forum, to be made available to all participants of the Forum”. This summary is to be complemented by the report of the Independent expert on minority issues on the recommendations by the Forum, which shall be presented to the Human Rights Council at its 13th Regular Session in March 2010.

This summary does not provide the details of all presentations that were made during the Forum’s proceedings. The consolidated list of speakers, and where available the full text of their presentations, can be found on the Forum’s website at the following address: <http://www2.ohchr.org/english/bodies/hrcouncil/minority/forum.htm>

Item I—Introduction³

The President of the Human Rights Council, H.E. Ambassador Alex Van Meeuwen, gave the opening statement in which he first recalled that the inaugural session of the Forum on “Minorities and the Right to Education”, held on 15 and 16 December 2008, was a great success both in terms of participation and outcome, had benefitted from the participation of over 370 individuals and produced a series of comprehensive yet concrete recommendations presented by the Independent expert to the Human Rights Council at its 10th session in March 2009.

Emphasizing that the views of experts and participants from minority communities are given particular prominence at this Forum and that the organisers had made great efforts

¹ The list of participants is available on the website of the Forum on Minority Issues: <http://www2.ohchr.org/english/bodies/hrcouncil/minority/forum.htm>

² See A/HRC/FMI/2009/3 and A/HRC/FMI/2009/4 available on the website.

³ The full text of the opening statements is available on the Forum’s website: http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2009.htm

to bring as many political actors as possible, he expressed hopes that their all-embracing levels of experience would feed into the discussions and ultimately be reflected in the recommendations presented by the Independent Expert to the Human Rights Council in March 2010. Finally, the President of the Human Rights Council underlined that this Forum can build on its achievements, taking full advantage of the variety of stakeholders present, and strive to forge an inter-active and productive dialogue, which will hopefully continue beyond these two days and contribute to a better understanding of “meaningful and effective political participation of minorities” and of the existing standards and principles, striving for an improved inter-cultural approach to political participation based on the sharing of good practices.

On behalf of the High Commissioner for Human Rights, the director of the Research and Right to Development Division at the Office of the High Commissioner for Human Rights, Ms. Marcia Kran, gave the opening remarks in which she underlined that the Forum provides a unique venue for promoting dialogue and cooperation to support the implementation of minority rights, in line with the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. She noted that the importance of combating discrimination is a thematic priority for the Office of the High Commissioner for Human Rights. In addition to supporting the work of this Forum, the OHCHR is committed to stepping up its awareness-raising and training activities on the implementation of the Declaration and pursuing focused activities on key themes, including regional consultations on Good Practices in Policing and Minority Communities and the OHCHR Minorities Fellowship Programme. Moreover, through the leading role the OHCHR plays in the Inter-Agency Group on Minorities, it fosters international cooperation on minority issues between the United Nations agencies in order to ensure that they all contribute to the realization of the rights of persons belonging to minorities. The discussions of the Forum further contribute to consolidating these common efforts towards the protection of minorities worldwide.

The independent expert on minority issues, Ms. Gay McDougall, reminded all participants that the aims and objectives of the Forum shall be to:

1. provide a platform for dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities;
2. provide thematic contributions and expertise to the work of the independent expert on minority issues;
3. identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the United Nations Declaration on the Rights of Minorities;
4. produce thematic recommendations to be reported to the Human Rights Council ; and
5. contribute to efforts to improve cooperation among UN 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.

She explained the format of the discussions underlining that all interventions during the discussion period should be focused on the draft recommendations and the identification of challenges and problems facing minorities and States, good practices and the consideration of opportunities, initiatives and solutions.

She stressed that the right to effective participation is a fundamental human right and that creating the conditions for the effective participation of minorities should be considered by States as an integral aspect of good governance and a key priority in their efforts to ensure equality and non-discrimination. She further noted that the full and effective participation of minorities in all areas of public life is a concept that encompasses not only participation in political decision-making at both local and national levels but also requires that persons belonging to minorities should be given the means to participate effectively in the social and economic spheres of their societies and the right to equal access to public services. The independent expert finally underlined that public participation may take many forms e.g. the right to take part in the conduct of public affairs, the right to vote and to be elected, and to have access to public services, participation in all governmental bodies, the judiciary and agencies of the criminal justice system, participation in economic and social life as well as access on a non-discriminatory basis to employment, land and property, housing, health care, social welfare and pensions.

The Chairperson of the second session of the Forum on Minority Issues, Ms. Barbara Lee, commented on the uniqueness of this Forum as an opportunity for the international community to discuss possible ways to increase and strengthen the participation of minorities in the decision-making processes of their governments. As a member of the United States Congress, she referred to the U.S. as a unique model to discuss the issue of minorities and effective political participation. As a matter of example, she referred to the case of African-Americans stating that despite the great progress made over the years there was still a long way to go, considering the systemic poverty, unequal education, housing discrimination, higher rates of unemployment, health disparities and many more. She further referred to the work of the Congressional Black Caucus (CBC) that has been part of the transformation but continues to seek moral equality for African Americans and all minority groups, leading the Congress on issues with “intelligence, commitment and power and continues to be the conscience of the Congress and the voice of the voiceless, representing over 42 millions Americans”. She further indicated that despite the development of strong relationships between all minority caucuses in Congress, including the Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus, minorities are still underrepresented in the House of Representatives and in the Senate. She finally recalled that empowering minorities politically is critical to achieving a truly democratic, free and global community. As a matter of example, she referred to the electoral process that has led to the election of President Barack Obama.

Item II—International and regional human rights frameworks and core principles on the rights of minorities to political participation⁴

Mr Ion Diaconu, Member of the United Nations Committee on the Elimination of Racial Discrimination, provided participants with an overview of existing international and regional standards and principles with a view to set the framework for the ensuing discussions.

Item III—Obstacles to effective political participation faced by minorities⁵

Issues for presentation and discussion under agenda item III included the barriers that minority populations face in their aspirations for civic participation including: discriminatory biases within the larger society; the impact of racist and xenophobic political platforms; language requirements to register to vote or hold public offices; inaccessibility of polling places to minority communities; the particular constraints on the participation of women; limited availability of civic and voter education in minority languages.

Ms. Epsy Campbell, former Presidential candidate in Costa Rica gave a presentation in which she underlined the necessity to set up periodic elections and to ensure that all citizens, including minorities, are represented with a view to subsequently participate in all decision-making bodies. She stated that, despite the ethnic diversity of societies in Latin American countries, there remained obstacles for minorities to access the power structures. As a matter of example, she referred to the situation of women of African descent who, despite being numerous in the region, were hardly represented in decision-making bodies.

Mr Anders Johnsson, Secretary General of the Inter-Parliamentary Union, addressed two aspects: gaining access to parliament by minorities and subsequently influencing its work as a member. The first aspect related to the way political parties operate and their willingness to include minorities in their electoral lists. The second aspect referred to the work of minority parliamentarians and the remaining obstacles in promoting the rights of minority groups.

Ms. Jayshree Mangubhai gave a presentation on the “*Obstacles to the political participation of Dalit women*” in India, stressing that their political participation as a large minority community remains disproportionately low. She underlined that the quota system which has resulted in over 100,000 Dalit women elected representatives across the country today has not always led to effective political participation for the majority of them. She provided a few recommendations, including to:

- focus explicitly on the political empowerment of Dalit women in national development plans;

⁴ The full text of the Expert’s presentation is available on the Forum’s website:
http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2009.htm

⁵ The full text of the presentations is available on the Forum’s website:
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- create adequately funded education and development plans for Dalit women in local government mandatory;
- implement and monitor strictly government sanctions against proxy candidature as well as gender and caste discrimination;
- provide mandatory trainings to government officials on such issues of proxies and discrimination, and sanctions against those who allow both practices;
- monitor the election of Dalit women as well as their participation in local governments.

Mr Simon Woolley, from Operation Black Vote, in England, gave a presentation on “*Obstacles to effective political participation: the impact of racism and xenophobic political platforms*” in which he first underlined the importance of keeping the historical context in mind. He indicated that many within minority communities are not able to fully engage in the politics of power or governance because they are involved in the politics of survival i.e. finding shelter, a job, and putting food on the table. Hence those minorities who can be active must be supremely active; they must be smart, acutely understand their political environment, and focus on empowering their community, engage in lobbying and find political allies. He further recommended to use the gender discourse to make the case for racial equality where necessary and above all for minorities to nurture their own representatives.

Ms. Alice Ratyis from NDI-Romania presented the report issued by this organization on “*Assessment of barriers to Roma political participation in Romania*” addressing the five following subject areas: 1) the legal frameworks that protect and guarantee minority participation; 2) access to government and legislative structures; 3) the role of political parties in aggregating and promoting Roma interests; 4) civil society as a vehicle for advocacy and legislative activism; 5) public opinion among Roma and non-Roma, as well as social structures within the Roma community. She stressed that social attitudes towards Roma present the greatest barriers to civic engagement, party outreach and policy debate and that questions surrounding compliance, implementation and enforcement of existing norms do hinder Roma participation. Based on its findings, NDI developed recommendations that included:

- Romania’s mainstream political parties need to address more publicly and meaningfully the dire situation facing Roma and develop effective outreach strategies with designated liaisons to the Roma communities and Romani NGOs;
- There should be issue-based platforms and activities addressing Roma, and real outreach in between elections, trying to convince the Roma and poor population through different incentives to give the vote to their candidates;
- Funding to civil society by the Romanian government as well as the international community should be increased for projects that boost political participation, enhance civic activism and education, and promote issue-based advocacy;
- The Government and Parliament of Romania should strengthen the mandate, neutrality and resources of the National Agency for Roma to improve coordination among the various ministries and other governing bodies dealing with Roma issues.

Ms. George-Pau Langevin, a member of the French National Assembly, gave a presentation on “*Obstacles faced by minorities in accessing political responsibilities*”, in which she indicated that, theoretically, the French Constitution gives equal rights to all citizens whatever their origins, religion or color but that the reality shows that there are very few persons belonging to minorities in the French political system.

Ms. Anastasia Crickley, Chairperson of EUFRA, gave a presentation on “*Minority participation: challenges and opportunities in Ireland and Europe*”, stating that, although the European Union and its Member States legislative frameworks and directives on discrimination, the Conventions of the Council of Europe and the decisions of the OSCE have all contributed to addressing discrimination and racism, barriers to participation continue to exist across Europe and that racism and associated forms of discrimination have to be addressed for the question of political participation of minorities to be managed. In this regard, she emphasised the importance of data collection and the need for clear terminology further stating that robust analysis and review of the experience of participation and interventions to ensure non-discrimination as well as monitoring of the outcomes for minorities are essential. She suggested that the Forum should recommend consideration of a positive duty on the State, with appropriate monitoring mechanisms to secure effective participation by minorities. Finally, she indicated that consideration of these matters needs to go well beyond local, national and regional governmental structures to the achievement of effective participation for minorities in all governance structures at every level and that political participation cannot await the end of the economic recession.

Ms. Sophia Abdi Noor, Member of the Kenyan Parliament, gave a presentation on the “*Challenges facing minority women in political participation and their solutions: the case of Kenya and other neighbouring countries*” in which she gave an account of her experience as first Somali woman to contest for a parliamentary seat in Kenya in 1997. She indicated that some of the challenges faced by minority women in East and Horn of Africa in their attempt to participate in the political processes include: lack of economic resources, marginalisation and poverty, lack of education and training, negative cultural and religious practices, lack of empowerment, denial of rights by some governments, economic challenges, rigid political parties and political processes in some countries, political violence, discrimination and lack of progressive policies in political parties and governments as well as lack of media support. According to Ms. Noor, solutions to these challenges include: economic empowerment, education and training, minority women scholarships, internships and fellowships, research and lobby groups, access to legal aid for minority women, enactment of laws to prevent electoral and political violence against, elimination of all forms of discrimination against minority women, affirmative action policies for minority women, role models, discussion forums, round tables and interactive sessions and minority rights radio.

Discussion

The Chairperson opened the floor for discussion⁶.

During the discussion under Item III, participants identified the following obstacles to the political participation of minorities and raised the following issues:

- The question of citizenship and the issue of statelessness/arbitrary deprivation of citizenship
- The situation of minority children and the fact that children are traditionally excluded from decision-making
- Ban on political parties that are directly or indirectly minority oriented
- The establishment of electoral districts, the ‘gerrymandering’ of electoral boundaries to the detriment of minorities or increasing the voting power of the majority
- Linguistic, religious or ethnic requirements, literacy requirements or education thresholds and other requirements limiting the right to vote or to run for office
- Onerous registration procedures
- The question of Muslim minorities and communities living in non-Muslim countries
- Unequal access to education and school segregation
- Social exclusion, stigmatization and discrimination
- The impact of extreme poverty
- Access to justice
- The problem of insecurity and conflict situations and the use of different electoral mechanisms in divided societies
- Language, size and territorial concentration of a group, organizational density, their overall sense of belonging, potential internal divisions, unfamiliarity with the country’s political culture and level of interest in political life
- Lack of information on political matters, availability of information and campaign material in minority languages, targeted communications
- The situation of persons deprived of their freedom
- The impact of the Constitution and relevant legislation as well as of the electoral laws and systems
- Examples of affirmative measures to secure the participation of minorities in public life
- The importance of the recognition of minorities and respect for diversity in societies
- Obstacles to the right to freedom of expression and access to information and to media freedom
- Obstacles to the right to freedom of assembly and to the right to freedom of religion

⁶ The list of speakers, and where available the full text of their presentations, can be found on the Forum’s website at:

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Item IV—Conditions required for effective political participation⁷

Issues for presentation and discussion under this agenda item focused on the human rights and freedoms that are critical enablers of broad political participation and democratic societies, in particular, the right to non-discrimination; freedom of expression; freedom of the press and minority access to the media; equality with respect to economic and social rights; freedom of assembly and association; freedom to engage in political activity individually or through political parties or other organizations; freedom to debate public affairs and to hold peaceful public meetings; participatory and transparent law-making processes.

The OSCE High Commissioner for National Minorities (HCNM), Ambassador Knut Vollebaek, underlined that the essence of participation, of democracy, is involvement, both in terms of opportunities to make a substantive contribution to decision-making processes and in terms of the impact of those contributions. He stated that the more inclusive a system is, the more representative it is and that the closer the decision-making is brought to those affected by them, the better the policies and laws. The HCNM also stressed that, given the complexity of the problems faced by minorities, special arrangements are often needed to ensure that the voices of minorities are heard and their interests considered. In 1999, the office of the HCNM invited recognized international experts to draw up a set of thematic guidelines, *The Lund Recommendations on the Effective Participation of National Minorities in Public Life*, aimed at facilitating the inclusion of minorities within the State, while enabling them to maintain their identity. Rather than pointing to one single model, the *Lund Recommendations* are offering different choices and models regarding all relevant aspects of political participation of minorities. The HCNM concluded with a few examples of programmes and projects implemented by his office that were aiming at the promotion of integration of minority groups into the wider society, including the setting up of two local TV stations to daily broadcast local news in minority language and the translation of campaign materials into minority languages.

The Secretary of the Advisory Committee on the Framework Convention for the Protection of National Minorities, Ms. Eva Konecna, gave a presentation on “*Examples of monitoring exercises that have led to the adoption of the Commentary on the Framework Convention on the effective participation of national minorities in public life*”, noting that the Advisory Committee had devoted its second thematic commentary issued in 2008 to minority effective participation, drawing on its country-by-country monitoring. In its analysis, the Advisory Committee considered the actual minority representation in various mechanisms and their level of influence on the decision-making process, noting that whatever mechanism is chosen, minorities should be given real opportunities to influence decision-making and the outcome should adequately reflect their needs. The Advisory Committee considers that:

- the setting-up of reserved or shared seat systems in parliament do not automatically provide for effective minority participation;

⁷ The full text of the presentations is available on the Forum’s website:
http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2009.htm

- it is seen as positive if special parliamentary committees dealing with minority-related issues are set up in parliaments and if minority languages are used in these committees;
- language proficiency requirements imposed on candidates of local and parliamentary elections are not conducive to effective participation;
- appropriate attention should be paid to the inclusiveness and representativeness of consultative bodies, including the participation of numerically smaller minorities.

Mr Francisco Campbell, Member of the Central American Parliament, gave a presentation on “*Minority Participation: challenges and opportunities in Central America*” in which he underlined that, while the multi-cultural and multi-ethnic nature of the Central American society has not been institutionalized and that although a few people have been able to get through to political power in Nicaragua and Guatemala, a lot still needs to be done to tackle poverty, inequalities, the exclusion of indigenous and afro-descendants and other major social and economical problems in the region. He further emphasized the need to bridge the gap between rhetoric and reality, and for reforms of electoral laws, laws on citizenship as well as the inclusion of minorities into national development plans and strengthening of regional integration.

Mr Azhagan Chenganna from the Communication Studies Unit of the University of Mauritius presented “*The Role and Responsibilities of the Media in enhancing the political participation of Minorities*”. He noted that the model of coexistence between communities in Mauritius is contested by the feelings of marginalization and everyday grievances of some of its minorities. Problems of social exclusion and prejudice as well as of gender discrimination and inequality regularly surface up to remind the authorities of their obligations and the need to take steps towards social justice and building an inclusive and conflict-free society. He indicated that the conditions for minority political participation from the perspective of the media include: the media to play a constructive role as agents of change, reaffirmation of the link between freedom of expression, access to information and citizen’s empowerment, media democratization and the need for independent media as well as the need to encourage minority political parties to harness the full potential of digital media and social networks, and equitable access of minority political parties to public media.

Discussion

The Chairperson opened the floor for discussion⁸.

During the discussion under Item IV, participants identified the following conditions required for effective political participation of minorities and raised the following issues:

⁸ The list of speakers, and when available the full text of their presentations, can be found on the Forum’s website at:
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- The protection of freedom of expression, the right to access to information, and a free media
- The need to strengthen mechanisms for minority participation in the spaces of global governance, including by allocating adequate resources and creating bilateral or regional structures for cooperation on minority issues
- The need to recognise the value of the political participation of minorities within public administration and civil society organisations
- The importance of the recognition of the minorities
- The issue of the absence of the definition of the term “minority”
- The importance of political participation of women belonging to minorities
- The need for minorities to be represented at all levels of the decision-making process
- The need to repeal discriminatory laws and provisions
- Development of training programmes to foster participation through empowerment, mentoring and network-building and civic education programmes for minorities
- Development of awareness-raising campaigns aimed at the majority to emphasise contributions made by the minorities to the benefit of the whole society
- The creation of youth councils and forums to advance political orientation for minorities
- The need to support access to education for children belonging to minorities and literacy programmes for adults as well as computer training
- The importance of disaggregated data on minorities in political sectors
- The impact of design of electoral systems
- The need to take measures to tackle extreme poverty

**Item V—National practices and real experiences:
Existing mechanisms providing for the political participation of minorities⁹**

This session focused on national practices that have been developed to foster minority political participation and the impacts of those policies. Governments were invited to describe their national policies and minority political actors to discuss the role that minority policy-makers should play in formulating and implementing laws and policies to support and promote equal rights and opportunities in the public sector.

Issues for presentation and discussion included the definition of meaningful representation and empowerment as well as ways to ensure an effective role by minorities in policy and decision-making. The discussion also looked at how effective minority consultative bodies have been in giving meaningful representation to minorities, what has been the experience with quotas, reserved seats or other such mechanisms to ensure representation of minorities and whether systems of cultural autonomy and minority self-governance developed to protect rights to language, education, religion, and cultural identity have indeed provided minorities with meaningful participation in governance.

⁹ The full text of the presentations is available on the Forum’s website:
http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2009.htm

➤ **National Level—Minority Representation in Bodies with Decision-Making Powers**

The Permanent Representative of Nigeria, H.E. Martin Ihoeghian Uhomoibhi, gave an overview of the country's history and political structure and some statistics on the minority presence in Nigeria, underlining that successive governments had made efforts at meeting the concerns of minorities. He listed the mechanisms in place to ensure participation of minorities in governance: the creation of States each of which is run by an executive governor, the representation of each State by three senators in the Senate (Upper House of the National Assembly) and the federal character principle, reflected in the Constitution, supported *inter alia* by the establishment of the Federal Character Commission. He noted that there is a high level of consciousness among the political class and an unwritten rule which provides for the rotation of political offices among the geo-political zones and ensures that the President and the Vice-President are not from the same region. He finally noted the efforts by government to create the enabling environment for all by establishing federal educational institutions which are spread equally across all the States of the Federation.

The written statement sent by Ms. Anne Begg from the UK Parliament's Speaker's Conference (on Parliamentary Representation) was read by Ms. Rebecca Sagar, from the Permanent mission of the United Kingdom in Geneva. Her intervention aimed at identifying particular difficulties women, disabled people and people from ethnic minority communities are facing in becoming Members of Parliament, and recommended ways of supporting them and tackling those identified barriers. Fifty per cent of the MPs on the Speaker's Conference are women; it also includes MPs who are of black or minority ethnic origin and MPs who live with injury, illness or disability. In its interim report, published in July 2009, the Speaker's Conference concluded that, despite recent changes, MPs in the UK Parliament "remain predominantly white, male, middle-aged and middle class" and that "many people will look at MPs in the Commons debating chamber and see very few Members who look as if they have lived a similar life or who can speak for them with the authority of shared experience." Noting that enduring barriers to parliamentary diversity include a reluctance on the part of parties to nominate women, ethnic minorities and disabled people as candidates for seats which the party either holds, or has a reasonable chance of winning, the report pointed to a significant opportunity for change as substantial numbers of current MPs were announcing their intentions to retire before the next general election to be held before June 2010. The Conference therefore recommended that, in such cases, political parties should commit themselves to promote equality by selecting at least 50% women as candidates, ensure that a significantly greater proportion of candidates are selected from the above groups and seek to encourage a wider placement of such candidates across the country than at the 2005 election. The final report of the Speaker's Conference shall be published at the end of 2009.

The Head of "Fundação Nacional do Índio" in Brazil, Mr Márcio Augusto Freitas de Meira, gave a presentation on the developments with regards to the protection of the rights of indigenous peoples in Brazil and the different mechanisms in place to date to ensure their participation in the decisions that are affecting them.

➤ **National Level—Minority Representation Through Consultative Bodies**

The Deputy Chair of the Assembly of People of Kazakhstan, Mr. Yeraly Tugzhanov, presented the Kazakh model for the participation of minorities in politics, underlining that the Kazakh Constitution provides for equality irrespective of people's social, race or ethnic origins and religions. He stated that none of the 140 ethnic groups in the country were limited in their civil rights and in their political participation and that the Assembly of People of Kazakhstan is responsible for guaranteeing an effective role for minorities. The main tasks of the Assembly are: to ensure the effective interaction between state bodies and civil society in the sphere of interethnic relations, ensure the favorable conditions for the further consolidating of interethnic consent and tolerance in the society; the support and development of social consensus; to assist the state bodies in counteracting extremism and radicalism manifestations in society; to form the citizens political and legal culture, based on democratic norms; as well as the revival and development of national cultures, languages and traditions of the people of Kazakhstan.

➤ **Decentralized Local Governance; Cultural Autonomy at Local Levels; Minority Local Self-Governments**

Mr. Norbert Tóth, Senior Research Fellow at the Research Institute for Minority Studies of the Hungarian Academy of Sciences gave a presentation on "*The institution and practice of the Hungarian minority self-governments*". He indicated that, in addition to the adoption of a law on the rights of national and ethnic minorities in 1993 and other laws, decrees and regulations on the elections and composition of minority self-governments, the State created some special authorities and institutions, including an ombudsman for minority rights and an Equal Treatment Authority. All the minorities and the persons belonging to a minority group have the right to form their self-governments at local, territorial and national levels. He identified the core elements of the self-governance of minorities in Hungary as follows: the question of self-identification as member of a given minority community or not and the practice of the rights of minority self-governments which is protected by the judiciary system. He finally indicated that the minority self-governments and the political, economical, and cultural minority institutions are funded by different actors including the State and that a special advisory organ, the Forum of National and Ethnic Minorities living in Hungary, has been created by Parliament as a temporary solution to the pending question of direct representation of minorities at the parliamentary level.

Ms. Bintu Jalia Ngonzi Abwooli, Member of the Ugandan Parliament, gave a presentation on "*Existing mechanisms providing for the political participation of minorities in Uganda*", giving a brief historical overview that led to changes to the political background in 1986 allowing for political participation of minorities followed by an outline of the legal framework including constitutional guarantees allowing for participation of minorities. Regarding the institutional framework, she underlined that the Parliament of Uganda ensures that the requisite legal framework and implementation mechanisms are in place to promote political participation of minority groups. As

examples, she referred to the Standing Committee on Equal Opportunities mandated to promote and monitor measures for equalization of opportunities and to the Ministry of Gender, Labor and Social Development which guides, implements and monitors government programs aimed towards the protection and advancement of minority rights. She further stated that the Equal Opportunities Commission Act of 2007 establishes an Equal Opportunities Commission with the mandate to eliminate discrimination and promote equity. She finally referred to remaining challenges to minority political participation which include limited access to basic social services by minorities and land alienation, inter-group and inter-state conflicts as well as the lack of clear policy on ethnic minorities.

Mr John Payton, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, United States of America, described how the Legal Defense Fund was originally founded to counteract measures that have led to the political exclusion of Black Americans throughout history, challenging each of these practices e.g. registration requirements, poll taxes, literacy tests, how elections were operated. He stressed that the Voting Rights Act of 1965, which bans discrimination in voting on the basis of race or national origin and gives the federal government wide authority to ensure non-discrimination in voting, is the principal measure in combating such form of racial discrimination. Section Five of the Act, equivalent to a national electoral commission, serves as a checkpoint by requiring jurisdictions within the U.S. that have a history of discrimination in voting to obtain approval from the federal government before enacting any changes to their voting practices or procedures. Mr Payton stressed that the enforcement of the Voting Rights Act of 1965 depends heavily on accurate census data, used to determine the number of seats that each state will have in the House of Representatives, the number of votes that each state has in the Electoral College but also used in the drawing of election districts and in ensuring that electoral districts are roughly equal in size. He finally emphasized that the redistricting process which follows the finalization of the census results may be the most important factor in determining whether racial and ethnic minorities have a meaningful opportunity to participate in the political process and elect their candidates.

Ms. Mary Anne Chambers, former member of the Legislative Assembly of Ontario in Canada, gave a presentation on “*Meaningful representation, empowerment and the impact of racial discrimination on political participation in Canada*” underlining that visible minority representation in the Canadian Parliament is yet to be reflective of the composition of its society, giving an overview of challenges faced by minorities, including poverty among “racialised” groups linked to lower educational achievements, poor mental health and general well-being, conflict with the justice system, the need for social services and support, sub-standard housing and underemployment. She also stressed the need for those minorities who have succeeded in being elected to unite the needs of the minority voices with those of the broader society that they serve.

Ms. Liberate Nicayenzi, Member of the Parliament of Burundi gave a presentation on “*Good practices and experiences of ethnic minorities in politics*” with a specific emphasis on the situation of the Batwa in Burundi and the “double-discrimination” they suffer because they are both an ethnic minority and an indigenous people. She noted the

interest demonstrated by the Government of Burundi in promoting the inclusion of the Batwa in the political sphere reflected in the adoption of such measures as reserved seats in the two chambers of Parliament as well as in some important national institutions, the creation of an *ad hoc* Commission in the Senate addressing minority issues, and adoption of the new electoral code.

Ms. Yvette Jarvis shared her personal experience as an immigrant living in Greece with public responsibilities as special advisor to the mayor of Athens. As one of the elected immigrants, appointed to head up the committee on Immigrant Affairs, her statement focused on the situation of immigrants in Greece. She stressed the need for provisions for immigrants to participate in elections either through long term status or the acquisition of citizenship and for adequate infrastructure to receive, educate and mentor immigrants. She also underlined that language continues to be a barrier for effective participation in the Greek political landscape and the need for training and sensitization of the civil society.

Discussion

The Chairperson opened the floor for discussion¹⁰.

During the discussion under Item V, participants gave details on practices in their own countries and raised the following issues:

- Impact of electoral systems
- Importance to ensure that everyone can exercise their right to vote
- Respect for the right to non-discrimination and importance of combating racism as well as effective recognition of the plurality within a given State
- Importance of tailoring a political system to a specific country situation
- Impact of the Constitution and implementation of relevant legislation
- Respect for freedom of expression and participatory rights and the need to ensure that all candidates have access to the media and to adequate resources
- Role and responsibilities of main political parties
- Need for mainstreaming of minority issues
- Role of civil society in supporting minority political participation
- Practices in place in some countries to improve the level of participation by minority women
- Experience of minority consultative bodies which should include members of the majority
- Importance of increasing minority participation at all levels, including in the police, the civil service and others
- Importance of reflecting the diversity of the State in order to have a truly democratic system and for bodies in place to be representative of the society

¹⁰ The list of speakers, and when available the full text of their presentations, can be found on the Forum's website at:

http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2009.htm

- The situation of people with disabilities and the link between obstacles faced by people with disabilities and effective participation of minorities
- Access to natural resources
- Awareness raising and free and accessible education on minority rights and participatory rights for all, including political actors
- Minority empowerment through suitable mechanisms
- The need to ensure the availability of education in minority language
- The importance of election monitoring

Item VI—Impact of electoral systems and role of political parties¹¹

Issues for presentation and discussion focused on differing electoral systems and the policies and practices of political parties that either impede or promote the successful inclusion of minorities in mainstream electoral policies.

Mr Edward Shalala, Head of Design of Democratic Institutions and Processes at International—IDEA, gave a presentation on the design of democratic institutions and processes, starting from the Constitution-design or review process that should be fully inclusive and participatory. He underlined that the Constitution should include a fully enforceable Bill of Rights and incorporate enforceable provisions guaranteeing effective political participation for all. He further stated that modern constitutions frequently provide for independent public institutions to protect human rights and that best practices point towards a Constitutional court to act as a guardian of the Constitution. This process should be followed by the drafting and adoption of legislation empowered by the Constitution as well as the implementation of the Constitution itself. Mr Shalala noted that an electoral system can be specified in the Constitution, or in legislation, or outlined in the Constitution and elaborated in legislation and that critical minority rights that should govern the design of electoral systems include: the right to participate in public life and not to be discriminated against, equal treatment, the right of all minorities to be recognized and the right to choose to be or not to be associated with a minority group.

Mr Denis Kadima, Executive Director of EISA, addressed the “*Impact of electoral systems and role of political parties: the experience in several African countries*” first pointing out that empirical studies demonstrate that proportional representation has generally resulted in good representation of minorities and that, in southern Africa, electoral system engineering was aimed at establishing a democratic dispensation while providing for meaningful minority representation and participation. Following examples of closed list and open list proportional representation in this region, he stressed that electoral systems do not work in vacuum and that the systems cannot be the solution to everything, their impact and effectiveness depending on several factors, including, the type of minority (geographical distribution, fragmentation versus unity), party regulation and anticipated outcome, quality of election management, strength of parliament and the role of party leaders.

¹¹ The full text of the presentations is available on the Forum’s website at: http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2009.htm

The Director of the Democratic Governance Group, of the United Nations Development Programme (UNDP), Ms. Geraldine Fraser-Moleketi, gave a presentation on “*UNDP work on electoral systems*” first referring to the development of the “UNDP Resource Guide and a Toolkit on Minorities in Development” which will be launched early 2010. Recalling that supporting elections is an important element of UNDP’s work and that there had been a shift to providing electoral assistance around the electoral cycle concept; she listed some of the lessons learned as follows:

- the type of electoral system has long-term implications for accountability, inclusiveness and representation;
- while proportional representation systems give a premium to inclusion over exclusion and to broad versus narrow representation, majoritarian systems can encourage national cohesiveness and direct accountability links between representatives and their constituents;
- any electoral system should take into account whether the country is deeply divided along political, geographical, religious or ethnic lines and ensure that minorities are fairly represented in the political system;
- discussions relating to electoral system reform should involve consultations with all political groups, civil society and electoral management bodies;
- gender equality should be considered in debates regarding electoral reform;
- the choice of electoral system is never a purely technical one as there is no single best system to fit all contexts.

On the role of political parties, UNDP shared the following lessons learned:

- the decision to ban political parties that purport to represent an ethnic, tribal, or racial identity in some countries may contribute to a sense of alienation among minority groups that can contribute to tensions and violence, or may be regarded as an unjustified limitation on the rights of persons belonging to minorities;
- it is important to evaluate how political parties that define themselves as broadly “nationalist” define the political community and whether they are sufficiently inclusive;
- political parties’ capacity to analyse issues from a gender perspective should be developed;
- positive measures such as quotas, should be supported and promoted as a possible strategy to address discrimination against women.

Discussion

The Chairperson opened the floor for discussion¹².

During the discussion under item VI, participants raised the following issues:

- Close attention should be paid to strengthening legal framework and putting in place the necessary measures to ensure participation of minorities
- Importance of implementation of international human rights law

¹² The list of speakers, and when available the full text of their presentations, can be found on the Forum’s website at:

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- Respect for freedom of expression and free media
- Mainstreamed political parties should offer greater opportunities to minorities
- Minority rights should be enshrined in the Constitution
- Importance for minorities to have access to adequate resources

Item VII —Concrete steps to advance minority political participation and to build capacity of minorities to participate effectively

Issues for presentation and discussion focused on the draft recommendations that participants had before them. The objective was to formulate practical, concrete policies, actions or programmes that would generate a higher level of minority political participation at national, regional and local levels.

Mr Alcee Hastings, Member of the U.S. Congress and Co-Chairman of the United States Commission on Security and Cooperation in Europe (U.S. Helsinki Commission) gave a presentation on the “Black European Summit: Transatlantic Dialogue on Political Participation” that took place on 15 and 16 April 2009 at the European Parliament, bringing together a small group of political and intellectual minority leaders from more than ten countries to exchange information on barriers to political participation and the roles of minority policymakers in representing minority interests, including promoting equal rights in the United States and Europe. Lessons learned included that:

- the majority of political and legal systems do not accurately reflect the diversity of societies;
- minorities have often not been sufficiently included in the development and/or implementation of government policies;
- there continues to be a lack of political will from government, political parties and other actors to include them.

The meeting indentified solutions such as advertising employment opportunities in minority communities, requiring that a percentage of persons interviewed for a position are minorities and providing minority fellowships and internships for teenagers and college students in Parliament, government agencies, and other organizations. The need for increased support for minorities currently in political careers was deemed essential. This initial Summit will become an annual event to continue the dialogue on the following issues:

- Political education for minority communities
- The development of physical and electronic support networks for minority elected officials
- Youth and community outreach
- Opportunities for self-organization and other empowerment initiatives.

The coordinator of the Indigenous Peoples and Minorities Unit at the OHCHR, Mr Antti Korkeakivi, presented document A/HRC/FMI/2009/5 entitled “*Work of the OHCHR and human rights bodies with regard to Minorities and the Right to Effective Participation*”¹³ which outlines key human rights provisions, provides an overview of the work done by special procedures on this theme, the UPR and the Durban process, highlights selected conclusions of human rights treaty bodies, gives an overview of thematic advice, capacity-building and field engagement by OHCHR aimed at advancing the right to participate in decision-making. He also pointed to the draft recommendations of the Forum containing a number of initiatives where the OHCHR could play a role, including:

- provide support for country-specific consultative structures for minorities in places where such structures do not exist;
- support dialogue between representatives of parliamentary committees or other parliamentary structures devoted to human rights and/or minorities to discuss participation of minorities in political decision-making and to encourage networking between such structures;
- encourage the Inter-Agency Group on Minority Issues to devote one of its upcoming meetings to effective participation by minorities to discuss the respective roles of its members in promoting effective participation;
- ensure effective participation of minorities in the deliberations taking place at the level of the United Nations;
- through field presences, help to ensure that key laws relating to minority rights and related issues are consistent with international human rights standards and that these standards are fully reflected in future legislative initiatives.

Ms. Graciela J. Dixon, attorney and former Chief Justice of the Corte Suprema de Justicia de Panamá, gave a presentation on “*Basic requirements for effective political participation and suggestions of concrete steps to advance minority political participation*”. She stated that, when intending to build minorities’ capacity to achieve effective political participation, basic factors are related to: education, awareness and recognition of the diversity in a given society, the need to strengthen civil society organizations, political compromise of national and local Governments, adequate economic and social conditions, anti-discriminatory legislation including constitutional law, accurate census, free exercise of political rights and access to the media. On concrete steps, she recommended *inter alia* the establishment of a qualification system to measure advances, effective policies and practical measures taken by States to ensure minority effective political participation at all levels and of an international observatory to monitor States on the enforcement of practical measures oriented towards this objective.

Mr. Joe Frans also gave a presentation on the Black European Summit, emphasizing that the participation of people of African descent in political organizations and their representation is a prerequisite for equal rights for all in Europe and that racism is the most relevant underlying explanation in trying to understand the role of political parties

¹³ See A/HRC/FMI/2009/5 available on the Forum’s website:
<http://www2.ohchr.org/english/bodies/hrcouncil/minority/forum.htm>

in ensuring minority representation and participation. He indicated that it is indeed within the mainstream parliamentary parties that attention should be focused in combating racism and ensuring adequate participation and representation. The summit noted the need for concrete strategies to increase the representation and influence minority policymakers and resulted in seeking solutions to increase participation in decision-making and implementation of policy initiatives to address discrimination and inequality, supporting the exchange of ideas and sharing perspectives and best practice through the continuance of the transatlantic dialogue. Mr Frans concluded with the following recommendations:

- States should take active measures to encourage political parties in Europe to adopt a code of conduct with regards to the issue of discrimination and racism but also policy guidelines in dealing with extreme right-wing organizations;
- The EU Commission should organise consultations and seminars on representation and participation of people of African descent in the political and decision-making processes in Europe.

Mr Pheroze Nowrojee, a Kenyan lawyer, indicated that constitutional documents are being enlarged from protection of political and civil rights to protection of all fundamental rights including health, education and housing hence demonstrating that rights protection are evolving. He underlined that the different groups in need of protection and support are also increasing and that persons suffering from poverty should be seen as the largest minority in the world. Mr Nowrojee recommended that the people who suffer from violations of their social and economic rights should be recognised as minorities and that the focus of the next session of the Forum should be their protection and the attainment of their rights.

Mr Yonadam Kanna, Member of the Council of Representatives of Iraq, gave an overview of the remaining obstacles to effective political participation faced by minorities in Iraq and elsewhere, emphasising the importance of the historical background of different communities when addressing such issues. He indicated that the political process was progressing slowly in Iraq despite the existence of some discriminatory policies and that remaining obstacles depriving minorities from effective political participation included: racism, poverty, corrupted governments, lack of clear national legislation protecting minority rights, lack of binding international human rights mechanisms, lack of tolerance and diversity and the absence of education programmes that teach tolerance and social justice. He finally gave the following suggestions of solutions aimed at increasing minority political participation: establishing a clear mechanism to bring equality between minorities and the majority, creating a universal scholar programme to teach and enhance tolerance and respect for human rights, granting reserved seats for minorities at all levels of governments, granting capacity-building programmes and ensure proper elections monitoring.

Discussion

The Chairperson opened the floor for discussion¹⁴.

During the discussion under item VII, participants raised the following issues:

- The importance of promoting and protecting the use of minority languages as well as the knowledge of the majority language, including in schools
- Social and political inclusion cannot be a one-way process
- Importance of the recognition of a minority and its actual implications for a given State
- Importance of data collection
- Importance of confidence-building and to build the political will
- Support for youth outreach
- Use of new technologies
- Importance of the participation of minorities at the local level
- The situation of migrant workers and their incorporation in inclusion policies
- Impact of state-controlled and state-sponsored media
- Importance of ensuring proper follow-up to the Forum on Minority Issues and its recommendations

Item VIII—Concluding remarks

Chairperson of the Forum on Minority Issues

Ms. Barbara Lee expressed her gratitude to all Forum participants as well as the organizers. She indicated that there would be follow-up on the recommendations issued by the Forum and that these recommendations should be seen as a living document to be used in a very practical way with a view to shatter the barriers of discrimination and move forward to ensure a more just and equitable world.

Independent expert on minority issues

Ms. McDougall underlined the uniqueness of this gathering which brought together more than 500 participants from every regions of the world, including members of national or provincial parliaments, members of local city or village councils or mayors, people who have run for office and those who have represented their communities through civil society activities and other established national institutions as well as experts on electoral processes or voter engagement. She thanked the participants for the rich and constructive discussion and inputs on the draft recommendations, underlining that the discussions had highlighted numerous best practices but also one important fact i.e. that not one country had fully solved or found the answer to the issues addressed during this Forum.

¹⁴ The list of speakers, and when available the full text of their presentations, can be found on the Forum's website at:
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She highlighted the importance of the participation of the representatives of the various United Nations Treaty Bodies who have been in many ways those contributing the greatest to the normative framework.

She finally emphasized the importance of implementation and enforcement of economic, social and cultural rights to the thematic of this year's Forum, stating as an example that there can be no effective political participation without respect for the right to education.

Ms. McDougall ended the discussion by quoting Mr Joe Frans' presentation: "Politics count, representation matters and policy-makers make all the difference".

ANNEX

Comments on the draft recommendations

During the Forum proceedings, participants made the following comments/suggestions of amendments to the draft recommendations.

General

- The recommendations should include the need for a contextual approach to constitutional and electoral mechanisms at different stages of a country's transition from conflict; a duty on international election monitoring and electoral assistance missions to ensure their staff are adequately trained in minority rights standards; and recognition of the overwhelming importance in transitional societies of security for the effective enjoyment of the right to political participation for members of minorities;
- Nobody should be fined because of the user of her or his mother tongue;
- Political parties should develop strategies for effective outreach to supporters in order to develop long-term dialogue;
- Given the importance of educational and economic empowerment to the enabling of minorities to participate in the political life of the countries in which they reside, there should be separate recommendations on those issues instead of being listed with a number of other issues;
- Several countries maintain territories or colonies with varying degrees of self government, but in which the native population are citizens or nationals of the mother country. These countries should enact the proper statutes that would extend full voting rights to the representatives of those citizens residing in these countries and their territories in their national legislative bodies and the right to vote for the president/prime minister or otherwise named chief executive of the country to every citizen living in their territories/colonies.

Comments on section A. Governments and parliaments

- Recommendations 19 should be amended so that Governments are urged not only to take special measures to end discrimination but to actually ratify the relevant international conventions prohibiting discrimination, and to enact implementing legislation to that end;
- Greater emphasis should be placed on the role of the judiciary in serving its constitutional role as a check and balance to the legislature and the executive in

their treatment of minorities. A separate section should therefore be inserted into the recommendations with a view to include the following measures:

- The judiciary must be made aware of the crucial role they can play in ensuring that the participation of minorities in public life is not rendered illusory. Training should thus be provided to judges and judicial officers on minority rights, and the special care that must be taken to ensure that when interpreting the constitutionality of laws and administrative practices, the rights of minorities are given due regard
- Adequate opportunities should be given to members of minority communities to participate in the judiciary, with judicial appointment commissions established in a manner that ensures that they are reflective of the wider community and that deserving minority candidates for judicial officer are not discriminated against in their appointment, terms of service and promotions
- In issues affecting the rights of minorities, care should be taken to ensure that the composition of a judicial panel (where more than a judge is involved) reflects the diversity of the population to ensure that justice is not only done, but seen to be done.

Comments on section F. The International Community, including United Nations agencies

- Reference should be made with respect to resorting to regional human rights standards and recommendations of the relevant regional mechanisms, as well as to the relevance of national standards and jurisprudence;
- Country-specific consultative structures can be very useful mechanism to actually listen and understand minorities' various concerns and aspirations, and some of UNDP country offices that are very active on minority issues are doing this, perhaps not through institutionalized structures. Their main reason being, if every agency were to set up parallel structures at the country level, then there would be competition over resources, prioritization of issues as well as major challenges in undertaking common UN planning processes, referred to in recommendation 32;
- The term "UN Country Teams" should be used instead of "UNDP" in paragraph 34 and "taking into account country situations" should be added after "processes", in line with paragraph 6.

Comments on section G. Media

- The recommendations would be further enhanced by a stronger assertion of the fundamental and mutually reinforcing nature of the relationship between freedom of expression and access to information, on the one hand, and the meaningful and informed political participation of minorities, on the other;

- They should include more detailed provisions on the role of the State and the media in promoting freedom of expression and the equality rights of minorities. In particular, the recommendations should recognize that all states should have in place an independent and publicly accountable regulatory framework for the media, including new media, which promotes pluralism and equality;
- The recommendations should further urge all mass media organisations to take positive steps to ensure that their workforces are diverse and representative of society as a whole and to seek a multiplicity of sources and voices within different communities, rather than representing communities as monolithic blocs. Also, media organisations should be encouraged to adopt self-regulatory systems to guarantee the rights of correction and reply of persons belonging to minorities.