

United Nations Forum on Forum on Minority Issues

COMPILATION OF RECOMMENDATIONS OF
THE FIRST FOUR SESSIONS 2008 to 2011



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

UNITED NATIONS FORUM ON MINORITY ISSUES

**COMPILATION OF
RECOMMENDATIONS OF
THE FIRST FOUR SESSIONS
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Foreword



Navi Pillay – United Nations High Commissioner for Human Rights

The Forum on Minority Issues was established by the Human Rights Council in 2007 in recognition that within the United Nations system it is essential to have a platform for discussion on minority issues and the rights of minorities. The Forum offers a unique opportunity for diverse stakeholders, including minorities themselves, representatives of States from all regions, United Nations human rights mechanisms and specialized agencies, regional intergovernmental organizations, experts on minority issues, and numerous non-governmental organizations, to come together in a

spirit of cooperation and constructive endeavour to address some of the key issues that challenge minority communities and States in all regions. My office services and supports this important United Nations mechanism, working in close collaboration with the United Nations Independent Expert on minority issues to shape a Forum that is inclusive, dynamic, and innovative in its work to promote implementation of international standards relating to minority rights.

Foremost amongst those standards is the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. In 2012 we celebrate the 20th anniversary of the adoption by all States in 1992 of this essential Declaration, which marked a global recognition that the rights of minorities everywhere must be respected, protected and promoted in the face of continuing violations of the rights of those belonging to certain communities. Twenty years on, much remains to be done to make the rights expressed in the Declaration a reality. Many ethnic, religious and linguistic minorities continue to face discrimination, marginalization and exclusion and, in some countries, the terrible impacts of violence and conflict. The Forum is at the forefront of international efforts to improve the lives of disadvantaged minorities everywhere.

Importantly, the Forum has created a space within the United Nations for minorities themselves and many minority representatives from every region have shared their experiences and enriched the Forum with their view and ideas. Among the minority participants have been OHCHR Minority Fellows sponsored by my office to learn about the work of the United Nations human rights system. I commend all of those who have contributed to making the Forum a great success and to strengthening the work of the United Nations on minority issues. The Human Rights Council must be

congratulated for creating a truly participatory and inclusive Forum on Minority Issues.

The recommendations of the first four sessions of the Forum are reproduced in this volume and address issues of great importance for minorities – education, political participation, and participation in economic life. I am also particularly pleased that dedicated attention has been given to the rights of minority women and girls who may face unique barriers to the enjoyment of their rights. While the issues they address are challenging and there can be no one-size-fits-all solutions, the recommendations of the Forum identify constructive approaches and propose concrete measures that can be adapted to the circumstances in a wide variety of country situations. It is my sincere hope that these recommendations will be used by governments, and by minorities and other stakeholders, and will result in concrete and tangible outcomes that improve the situation of disadvantaged minorities in all regions of the world.

A handwritten signature in black ink, appearing to read "Hilary". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Preface



Gay McDougall - Former United Nations Independent Expert on minority issues

As the first holder of the mandate of United Nations Independent Expert on minority issues, I have had the privilege and honour to guide the work of the Forum on Minority Issues and to prepare its first three annual sessions. The Forum has become a magnet, drawing to the chambers of the United Nations those population groups who have proudly identified themselves by their distinct ethnicity, religion, language or culture, but who have at the same time felt marginalised on the basis of their identity. They have found in the Forum a mechanism to amplify their voices, to dialogue with their governments

and to feel empowered by the support of the international community for their rights.

In the first four annual sessions, the Forum addressed some of the most fundamental concerns that were raised with me by minority communities in the 17 countries that I visited during my tenure as Independent Expert. The first session of the Forum, in December 2008, focused on minorities and the right to education, recognizing that although education is a fundamental human right of every person, in all regions of the world disadvantaged minority children suffer disproportionately from unequal access to quality education, depriving them of the opportunity to fulfil their potential and contribute fully to their own communities and to the wider society. Moving beyond issues of physical access to schools, participants discussed the importance of minority language instruction, that school curricula reflect minority cultures and history, and that minority students be protected from hostile or racist environments in schools.

In November 2009, the second session of the Forum focused on the right of minorities to effective political participation. It built on the premise that societies flourish when all voices are heard, when all opinions are considered and when all citizens are enabled to participate in political institutions and decision making at all levels. Yet minorities are almost always under-represented in national Parliaments, in local government and in other areas of public life. Participation in the public and political life of the nation is a right that must be guaranteed to all regardless of ethnic, religious or linguistic identity.

Effective participation in economic life was the thematic focus of the third Forum in December 2010. Economic exclusion is often the most devastating consequence of discrimination against many minority groups. Many minorities have historically been excluded from full and effective participation in economic life, both in the developed and in the developing world. Minorities are often discriminated against when they seek employment, on the basis of their colour, ethnicity, race, religion, language or

name, even when there is legislation that bans discrimination in both public and private sectors. Some face long-standing and entrenched challenges, such as discrimination on the basis of work and descent, including caste and analogous forms of discrimination, which require specific attention. Additionally, undue legal restrictions on the practice of traditional livelihoods and other economic activities of minorities still exist in some countries.

The fourth session of the Forum, “Guaranteeing the rights of minority women and girls”, provided an essential opportunity to focus a gender lens on minority issues and consider in much greater detail the situations of women and girls and to understand the unique challenges that they often face to the full enjoyment of their rights. Building on work conducted in previous sessions, discussions sought to respond to problems, including the impact of highly patriarchal communities and rigidly defined gender roles negatively affecting women and girls. Also considered were specific barriers to the education of girls and women and ways to ensure that they have equal opportunities to participate fully in the economic, cultural, political and social life of their communities and in wider society.

The recommendations of the Forum are modeled on positive practices that have been developed in many countries and that can and should be emulated elsewhere. Often those solutions do not cost vast amounts of national financial resources, nor do they require long and costly programmes of implementation or generations of cultural or social change. What they do require is firstly the recognition that a problem exists; that there are disadvantaged communities who are deeply and negatively affected by activities that may benefit some, but not all. Secondly it is important to have the data that reveals the extent of problems facing minorities if States and others are going to design effective programmes for change. Finally, it is vital that the political will exists to make that change real and to make a commitment to addressing discrimination, exclusion, and to creating equality.

The Forum has truly fulfilled its promise and potential to become an inclusive venue for discussion of minority issues, bringing together grass roots activists, government representatives and international experts to craft recommendations of practical value to all stakeholders. Most important has been the high level of participation of people from around the world who are members of minority communities, who struggle with these issues on a daily basis and whose expertise is so often ignored.

Finally, it is with great pleasure and confidence that I turn my responsibilities for the Forum over to my successor as United Nations Independent Expert on minority issues, Ms. Rita Izsák. I have no doubt that under her expert and dedicated guidance, the Forum will tackle additional issues of critical concern to minority populations in the years ahead. I wish her and the Forum the greatest success.



Introduction to the Forum on Minority Issues

On 28 September 2007, the United Nations Human Rights Council established a Forum on Minority Issues. The Council envisaged the Forum providing a platform for dialogue and cooperation on minority issues and mandated it with the task to 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 provides thematic contributions and expertise to the work of the United Nations Independent Expert on minority issues, and produces thematic recommendations for use by all those concerned with minority issues. The Forum also contributes to efforts to improve cooperation within the United Nations system relating to the promotion and protection of the rights of minorities.

The Forum meets annually in Geneva, Switzerland for two working days under the guidance of the Independent Expert on minority issues, who is required to prepare its annual meetings and report its thematic recommendations to the Human Rights Council. A Chair is appointed annually on the basis of regional rotation and usually belongs to a minority. Each session is devoted to consideration of a key thematic subject in the field of minority issues. Over 400 participants have attended each session of the Forum from every region, including representatives of States, regional inter-governmental bodies, United Nations bodies, mechanisms and specialized agencies, and civil society organizations working on minority issues and with and on behalf of minority communities. Crucial to the Forum is the full participation of minorities themselves, ensuring that their voices and opinions, including those of women and young people from minorities, are reflected in all of the Forum's work and its recommendations.

To-date the Forum has addressed one thematic issue for detailed consideration during each meeting. Over the course of the first years of the Forum, effective working practices have been developed based on the provision of a set of draft recommendations. A number of identified expert minority participants are requested to introduce agenda items followed by interventions from all participants, many of whom are also minorities. All are encouraged to present their views and experiences regarding challenges, but also to provide essential information about good practices and positive initiatives in the field of minority issues and minority/majority relations. The final recommendations are therefore shaped from the diverse experiences of

minorities, governments and others. They are based on international human rights norms and offer action-oriented solutions of practical value to all stakeholders and that can be applied to a variety of national or minority specific contexts.

The Forum on Minority Issues is an essential component of efforts by the United Nations to promote implementation of the Declaration on Minorities, the 20th anniversary of which is celebrated in 2012. In its first four meetings the Forum has addressed crucial minority issues that have frequently be raised as concerns by minorities themselves as well as other stakeholders and which are interconnected and overlapping in nature: minorities and the right to education, minorities and effective political participation, minorities and effective participation in economic life, and guaranteeing the rights of minority women and girls. The recommendations of the Forum on these issues are reflected in the following sections.



I. Minorities and the right to education:

RECOMMENDATIONS OF THE FIRST SESSION OF THE FORUM ON MINORITY ISSUES

Previous page photo:

A woman writes on a blackboard at the Boyele Preparatory School for Baka pygmy children, Boyele, Republic of Congo
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I. Minorities and the right to education:

RECOMMENDATIONS OF THE FIRST SESSION OF THE FORUM ON MINORITY ISSUES

(Held on 15 and 16 December 2008 in Geneva, Switzerland)
Chaired by Ms. Viktória Mohácsi

I. EDUCATION

1. Education is an inalienable human right, and is more than a mere commodity or a service. Furthermore, education is a human right that is crucial to the realization of a wide array of other human rights, and an indispensable agency for the expansion of human capabilities and the enhancement of human dignity. Education plays a formative role in socialization for democratic citizenship and represents an essential support for community identity. It is also a primary means by which individuals and communities can sustainably lift themselves out of poverty and a means of helping minorities to overcome the legacies of historical injustice or discrimination committed against them.

2. The right to education is not in practice enjoyed equally by all. Minorities¹ in various regions of the world suffer disproportionately from unequal or restricted access to quality education and inappropriate education strategies. Lack of education leads to denial of civil and political rights, including rights to freedom of movement and freedom of expression, and limits participation in the cultural, social and economic life of the State and in public affairs, such as in the exercise of voting rights. Lack of education also limits the enjoyment of economic, social and cultural rights, including rights to employment, health, housing and an adequate standard of living. Lack of education results in reticence to engage with law enforcement authorities, inhibiting access to remedies when human rights are violated.

¹ The term “minorities” as used in the present recommendation should be understood as it is used in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (General Assembly resolution 47/135), the commentary of the Working Group on Minorities to the Declaration (E/CN.4/Sub.2/AC.5/2005/2) and the first annual report of the independent expert on minority issues (E/CN.4/2006/74). It encompasses the persons and groups protected under the International Convention on the Elimination of All Forms of Racial Discrimination from discrimination based on race, colour, descent (caste), national or ethnic origin, citizen or non-citizen (GA resolution 2106 (XX)).

3. Women and girl members of minority communities suffer disproportionately from lack of access to education and from high illiteracy levels. Lack of education represents an absolute barrier to their progress and empowerment.

4. Bad education strategies can violate human rights as much as good strategies enhance rights and freedoms. Unwanted assimilation imposed through the medium of education, or enforced social segregation generated through educational processes, are harmful to the rights and interests of minority communities and to the wider social interest.

5. In the context of rights and obligations recognized at the level of the United Nations and regionally, education should serve the dual function of supporting the efforts of communities to self-development in economic, social and cultural terms while opening pathways by which they can function in the wider society and promote social harmony.

6. The present recommendations, while framed as recommendations for Government action, are intended for a wider readership of not only Governments but, in the terms of the Universal Declaration of Human Rights, "every individual and every organ of society", including international organizations and agencies, civil society in the widest sense, all educators and those who learn from them.

7. The range of issues included in the recommendations is not exhaustive. They represent only minimum requirements for an effective education strategy for minorities, without prejudice to further efforts made by individual States to address the needs of individuals and groups concerned. The recommendations should be interpreted in a generous spirit in cooperation with the communities concerned, in the light of the demand that human rights instruments be interpreted and standards applied to be effective in practice, so that they can make a real difference to the lives of human beings. In the event of doubt or contestation with regard to their potential application, the principles should be interpreted in favour of members of minorities as bearers of rights but also as potential victims of educational deprivation.

8. 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 rights.

II. CORE PRINCIPLES

9. Every person is entitled to accessible, free and high-quality primary level education. States should take reasonable legislative and other measures to achieve the progressive realization of this right with respect to secondary education and for higher education on the basis of capacity. The right to education for all is grounded in universal and regional human rights instruments, including instruments on minority rights. The core principles of international human rights are fully applicable to the right to education and should be faithfully implemented by States. These include the principles of equality and non-discrimination, as well as the principle of equality of women and men in the enjoyment of all human rights and fundamental freedoms. The principle of non-discrimination includes all persons of school age residing in the territory of a State, including non-nationals, and irrespective of their legal status.

10. School policies or practices that, *de jure* or *de facto*, segregate students into different groups based on minority status violate the rights of minorities and also rob the entire society of its best opportunity to foster social cohesion and respect for a diversity of views and experiences. Students and societies gain the greatest educational advantage when classrooms have a diversity of students, ethnically, culturally and economically.

11. The principle of equality does not imply uniform treatment in the field of education regardless of circumstances, but rather that differential treatment of individuals and groups is justified when specified circumstances warrant it, so that the right to equal treatment is also violated when States, without permissible justification, fail to treat differently persons whose situations are significantly different. The principle of non-discrimination implies that persons belonging to minorities should not be treated differently in the field of education solely on the basis of their particular ethnic, religious or cultural characteristics, unless there are permissible criteria to justify such distinctions, including criteria set out in specific instruments on minority rights. National and local contexts are important in the detailed application of educational responsibilities and Governments enjoy a margin of appreciation in applying the principles to particular contexts.

12. Principles of equality and non-discrimination permit the taking of special temporary measures. Such measures are mandatory when the conditions for their application are satisfied. Special measures or affirmative action should be used, for instance, as a means for Governments to recognize the existence of structural discrimination and to combat it. The case of special measures or affirmative action should not be confused with minority or indigenous rights to existence and identity that subsist as long as the individuals and communities concerned desire the continued application of these rights. Measures taken in the field of education for minorities should not constitute a programme of coerced or artificial assimilation.

13. Education for all students should have an intercultural approach that recognizes and values cultural diversity. There must be a development of intercultural and anti-racist capacity within educational institutions at every level and informing all policies.

14. Minorities have a right to participate in the life of the State and in decisions affecting them and their children's future. In the field of education, this right implies input by minorities into the design, implementation, monitoring and evaluation of education programmes and the administration of educational institutions. It also means that an alternative to mainstream curricula may be considered in order to meet the needs, aspirations and priorities of minorities.

15. The responsibilities of the State to fulfil the rights to education and to non-discrimination are not diluted on account of the complexities of political structures: the responsibilities extend in principle to the whole of the State territory. Governments must make strenuous efforts to ensure that national policies are not subverted or defied by local authorities in States with domestic constitutional arrangements, such as decentralized authority or devolution of powers.

16. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue. These measures are most critical in preschool and primary schools, but may extend to subsequent stages of education. School curricula must encourage knowledge among all students of the history, traditions, language and culture of the minorities existing within their territory and also ensure minorities adequate opportunities to gain knowledge of the society as a whole.

17. In the field of education and minorities, there is a compelling need for accurate data that are qualitative and quantitative, disaggregated by sex, race, ethnicity and disability status in order to assess the necessary requirements in the development, institutionalization, implementation and monitoring of targeted education policies. Data should also be gathered on poverty status and on the access to education and progress of children who do not speak the dominant language. Indicators and benchmarks are necessary for the accurate appraisal of education policies, including assessments of the extent of discrimination against minorities and the success or failure of policies to eliminate discrimination. Such data should include research into causes of poor school enrolment and drop-out rates where applicable. Disaggregation of the data according to sex will expose the barriers that prevent girls and women from accessing education and learning. All data should be made accessible to the public on a regular basis.

18. Data-gathering exercises concerning minorities should take place in a culturally sensitive manner, on a voluntary basis, with full respect for the privacy and anonymity of the individuals concerned, and on the basis of their self-identification as members of groups concerned.

III. ESSENTIAL REQUIREMENTS FOR AN EFFECTIVE EDUCATION STRATEGY

19. States should approach the education of minorities in a positive spirit. Measures should be taken by States to implement education rights actively to the maximum of their available resources, individually and through international assistance and cooperation.

20. States should review, enact and amend their legislation where necessary to affirm the right to education for all, eliminate discrimination and guarantee quality education for all members of minorities.

21. States should create conditions enabling institutions that are representative of minorities to participate in a meaningful way in the development and implementation of policies and programmes relating to education for minorities.

22. Budgetary policies are crucial to a State's implementation of its obligations to respect, protect and fulfil the educational rights of minorities. In the drafting of budgets for education in the case of minorities, clear criteria that are tailored to the special needs of the minority group are required. The costing and financing of education policies should be based on a holistic appraisal of minority needs and on the basis of the State's immediate and non-derogable obligation to guarantee that the right to education will be exercised without discrimination and on the basis of the principle of equal treatment. The principle of equal treatment entails the allocation of extra resources and efforts to advance the right to education among minority groups that have been victims of historical injustices or discrimination in realizing their right to education.

23. Budgetary allocations for education should be transparent and amenable to external scrutiny. Budgets should be presented in a form that allows assessment of the allocations disaggregated according to minority status and sex, rendering transparent the targeting of special measures for minority girls and minority boys.

24. Programmes for the education of minorities, as well as teachers and appropriate teaching and reading materials, including books, must be made available in the mother tongues of the minorities.

25. Educational services should be arranged in order that they reach minority communities throughout the national territory, and should be adequate to address the needs of such communities. States must ensure that educational services for minorities are delivered at a quality that is comparable with national standards.

26. States should recognize that the adequate recruitment, training and incentivization of teachers to work in areas inhabited predominantly by members of minorities are factors of utmost importance in the delivery of adequate educational services, and should arrange teacher training programmes accordingly.

27. State or local policies or practices that, de jure or de facto, result in separate classes or schools for minority pupils, or schools or classes with grossly disproportionately high numbers of minority pupils, on a discriminatory basis, are prohibited, except in limited and exceptional circumstances. In particular, the misuse of psychological or learning ability tests for enrolment of children in primary schools must be subjected to close scrutiny with respect to their potential to engender discriminatory outcomes. The creation and development of classes and schools providing education in minority languages should not be considered impermissible segregation, if the assignment to such classes and schools is of a voluntary nature. However, where separate educational institutions are established for minorities for linguistic, religious or cultural reasons, no barriers should be erected to prevent members of minority groups from studying at general educational institutions, should they or their families so wish.

28. Education should be available at all levels for minorities, from preschool to tertiary education, as should technical and vocational education, on a basis of equality with other learners.

IV. EQUAL ACCESS TO QUALITY EDUCATION FOR MINORITIES

29. The principle of non-discrimination is a key to securing equal access to education, and ensuring ongoing participation and completion of quality education for members of disadvantaged and minority groups.

30. Members of minorities must have realistic and effective access to quality educational services, without discrimination, within the jurisdiction of the State. Accessibility has three overlapping dimensions: non-discrimination on prohibited grounds; physical accessibility; and economic accessibility.

31. Barriers to accessibility may be the result of single or multiple factors, whether physical or social, financial or pedagogical. States should address all such factors in order to promote effective access, especially in cases where barriers to access are compounded, as in the case of girl pupils, resulting in a vicious circle leading to severe educational exclusion. The existence of local customs that restrict the free movement of girls and women does not relieve the State of its responsibility to guarantee access to education for minority girls.

32. Special attention to education is called for in the context of emergencies, armed conflicts and natural disasters when children of minorities or vulnerable populations do not have access to social protection and essential services, including education. Measures should be taken to avoid discrimination and favouritism during these periods and during periods of recovery and rehabilitation.

33. Authorities should remove direct and indirect institutional barriers to education for minorities, and address cultural, gender and linguistic barriers that may have equivalent access-denying effects.

34. In order to ensure effective access to education for members of minority communities, authorities should take immediate and positive steps to remove impediments resulting from poverty and child labour, homelessness, low nutrition levels, poor health and sanitation among the communities, as well as impediments that result from a policy of historical discrimination or injustice in realizing the right to education.

35. Difficulties in school enrolment and retention for displaced persons, members of nomadic or semi-nomadic groups, migrant workers and their children, both girls and boys, should be addressed in a proactive and constructive manner. Lack of documentation should not prevent pupils from enrolling in schools.

36. Enrolment and registration formalities and cost burdens should be eased to facilitate the admission of minority pupils into schools; such inhibiting factors may be a matter of deepened concern in relation to the admission of girl pupils.

37. Resources should be sufficient to guarantee that the education of their children is a financially viable proposition for minority families.

38. The impact of residential patterns on school enrolments should be carefully assessed and addressed to avoid disparate social and educational outcomes. Authorities should pay attention to the location of schools so that minority pupils are not disadvantaged with respect to physical access to school buildings or the quality of educational outcomes.

39. States should carefully monitor and take positive and effective steps to reduce high rates of exclusion and dropouts among minority students and to, *de minimis*, align them with rates of the majority population, in cooperation with parents, associations and communities. States should take effective steps to bring down any barriers to education, be they cultural, social, economic or of any other nature, that lead to high drop-out rates.

40. States should ensure equal access to education for women and girls from minority groups, upon whom poverty and family responsibilities may have a disproportionate impact, and who may be subject also to aggravated discrimination, including in extreme cases violence, on the basis of culture, gender or caste.

41. Affirmative action in education for members of minorities that have been subject to a policy of historical discrimination or injustices in realizing the right to education should extend to higher education, where the cumulative impact of discrimination at the lower levels of education often results in low levels of representation of members of minority groups in the later stages of education, whether as pupils or education professionals.

42. Programmes of adult education or “second chance” schools should be encouraged and increased for members of minorities who have not completed primary education levels.

V. LEARNING ENVIRONMENT

43. Education should work actively towards the elimination of prejudices among population groups and the promotion of mutual respect, understanding and tolerance among all persons residing in the State, whatever their ethnic, religious or cultural background or sex.

44. Human rights education for all should be made an integral part of the national educational experience.

45. Teaching staff should be provided with initial and on-going training preparing them to respond to the needs of pupils from a variety of backgrounds.

46. Teacher training, including training of teachers from minority communities, should include anti-discrimination, gender sensitive and intercultural training.

47. States should strive to ensure that the school learning environment for members of minorities is welcoming and receptive to their needs and concerns.

48. Systems of recording racist or similar incidents targeting minorities and policies to eliminate such incidents should be developed in school systems.

49. Disciplinary actions taken against students should be proportionate, fair and immune from any perception of bias against minority students. Positive disciplinary practices that do not conflict with the primary goals of student retention and educational outcomes should be employed. Disciplinary actions must respect the rights of parents to be fully informed, to participate in the decision-making process and to seek outside mediation.

50. States should act to remedy situations where there is a lack of trained teachers who speak minority languages.

51. States should actively strive to recruit and train teachers from minority communities, both men and women, at all levels of education as a key aspect of a strategy to develop a multicultural ethos in schools.

52. School management and administration should actively involve representatives from minority communities.

53. States should promote and systematize active consultation and cooperation between parents of children of minorities and the school authorities, including, where appropriate, through the employment of mediators to improve parent-school communication, and interpreters where parents do not speak the language of the school administration.

VI. CONTENT AND DELIVERY OF THE CURRICULUM

54. The form and substance of education, including curricula and teaching methods, must be acceptable to parents and children as relevant, culturally appropriate and of a quality equal to national standards.

55. The liberty of parents or legal guardians to choose educational institutions for their children other than those established by the authorities of the State and to ensure the religious and moral education of their children in conformity with their own convictions must be recognized. Such alternative institutions must comply, however, with the “minimum education standards as may be laid down or approved by the State”.² Any State financing of non-State schools must be provided to all such schools on an equal basis. States should ensure that all parents are informed about the right to choose alternative educational institutions.

56. With regard to the right to manifest religion in schools or educational institutions, forums for continuous dialogue should be developed where necessary between members of religious minorities and educational institutions that serve them with the view to better understanding and accommodating their religious needs within schools.

57. In cases where members of minorities establish their own educational institutions, their right to do so should not be exercised in a manner that prevents them from understanding the culture and language of the national community as a whole and from participating in its activities.

58. States should provide adequate opportunities to persons belonging to minorities to learn their mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive. Specific forms of such opportunities should be chosen in consultation with persons belonging to minorities and taking into account their freely expressed wishes.

59. School language regimes for the initial stages of education in State schools should ideally employ the language of the child as the predominant medium of instruction, with a gradual introduction of the State language or dominant local language, if different from that of the child, at a later stage, where possible by bilingual teachers sensitive to the cultural backgrounds of minority children.

60. Education should be able to adapt to the situation of changing societies and communities and be responsive to the needs of students in diverse social and cultural settings. A diversity of learning systems should be considered so that quality formal and non-formal education that is contextualized, culture specific and relevant within an integrated system of education may be delivered.

² International Covenant on Economic, Social and Cultural Rights, art. 13., para 3.

61. Curricula should adequately reflect the diversity and plurality of society and the contribution of minorities to society.

62. Curricula should promote the preservation and defence of minority languages, and identify and equip members of minorities with the educational tools necessary for their full participation in the society concerned.

63. Curricula relating to minorities should be developed in cooperation with bodies representative of minorities, and members of minority groups should, ideally, be in positions of influence in education ministries or other authorities deciding upon curricula.

64. State education authorities should ensure that the general compulsory curriculum for all in the State includes teaching of the history, culture and traditions of the minorities from the perspective of the minorities themselves. States should take measures to teach the community narratives of minorities to other groups.

65. The promotion of the cultural rights of minorities is necessary to further the fulfilment of their educational rights. These rights include access to written, audio and visual media materials in their own language in order to enrich the cultural lives of minorities. There must also be the free exchange of books and other educational materials and access to universities run by members of their national group in other States.³

66. Educational curricula should not include materials that stereotype or demean minorities, including compounded stereotyping of minority girls and women on the basis of both their national or ethnic belonging and their sex. Teachers and other education personnel should avoid the use of offensive names for an individual or a community or names not freely chosen by the individual or community concerned. Educational curricula taught to non-minority groups within the State should include materials designed to reduce stereotypes and racist attitudes towards minorities.

67. Members of the general population should have the opportunity to learn minority languages and thereby contribute to the strengthening of tolerance and cultural interchange within the State.

³ This provision is in accordance with article 2, paragraph 5, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.



II. Minorities and effective political participation:

RECOMMENDATIONS OF THE SECOND SESSION OF THE FORUM ON MINORITY ISSUES

Previous page photo:

USA Columbia, South Carolina, United States of America

An African American man in a motorised wheelchair votes in a polling station in Martin Luther King Jr. Park on the day of the South Carolina Democrat primary election.

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II. Minorities and effective political participation:

RECOMMENDATIONS OF THE SECOND SESSION OF THE FORUM ON MINORITY ISSUES

(Held on 12 and 13 November 2009 in Geneva, Switzerland)
Chaired by Ms. Barbara Lee, Member of U.S. Congress

I. INTRODUCTION

1. Pursuant to Human Rights Council resolution 6/15, the second session of the Forum on Minority Issues focused on the issue of minorities and effective political participation. The Chairperson of the Forum was United States Congresswoman Barbara Lee, who also chairs the Congressional Black Caucus. The work of the Forum was guided by the independent expert on minority issues, Gay McDougall. The more than 500 participants included representatives of Governments, treaty bodies, United Nations specialized agencies and civil society. Importantly, the participants included minority political actors from all regions of the world who are actively pursuing greater and more effective political participation for themselves and their communities.

2. The Forum produced thematic recommendations that are action-oriented and aimed at increasing the inclusion and recognition of minorities within the State, while enabling them to maintain their own identity and characteristics, thus promoting good governance and the integrity of the State. The recommendations are based on international human rights norms. In addition to the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the clarifications provided in the commentary thereto, the recommendations draw upon other relevant international and regional human rights standards, principles and guidelines developed by various stakeholders and national legislation.¹ The Declaration on Minorities is itself inspired by article 27 of the

¹ See also article 29 of the Convention on the Rights of Persons with Disabilities, which provides that “States parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others” and ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”.

International Covenant on Civil and Political Rights, and article 30 of the Convention on the Rights of the Child. The jurisprudence and general comments of the Human Rights Committee, particularly regarding the implementation of articles 25 and 27, have also informed these recommendations.

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

4. The present document, which should be read in conjunction with the background document on minorities and effective political participation (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 assist them in making informed choices when designing legislation and policies aimed at ensuring adequate minority participation. While there are no “one size fits all” models for every conceivable context, the options identified herein 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 should therefore be assessed on a regular basis in order that mechanisms may be adjusted to ensure the effective participation of minorities.

5. Many situations around the world demonstrate that an adequate representation of persons belonging to minorities 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 often disproportionate levels of poverty and other impediments to the full enjoyment of civil, cultural, economic, political and social rights. Ensuring meaningful and informed participation and the management by minorities of matters directly affecting them is a means to promote stability and integration in the societies where minorities live.

6. Minorities are, however, vastly underrepresented in the political processes and governing institutions of most countries because they are either actively and intentionally restricted from participation, inadvertently disadvantaged by a variety of laws or policies, or because there is a lack of political will in the larger society to dismantle structural barriers to the full equal participation of minorities.

7. 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 for persons belonging to minorities to promote their interests and values and to create an integrated but pluralist society based on tolerance and dialogue (E/CN.4/Sub.2/AC.5/2005/2, para. 35). The

Working Group also emphasized that effective participation requires representation in legislative, administrative and advisory bodies, and more generally in public life (para. 44).

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

9. The implementation of the right to effective political participation of minorities is fundamental to the effective realization of full minority participation in political life. It is also a necessary condition to ensure the enjoyment of other fundamental human rights by persons belonging to minorities. Effective participation may be manifested in a wide range of forms, such as dissemination of information, civic advocacy and activism, as well as direct involvement in electoral politics. It can be ensured through many different means, ranging from consultative mechanisms to special parliamentary arrangements and, where appropriate, may even include forms of territorial or personal autonomy.

II. RECOMMENDATIONS

A. Governments (national, regional, local) and parliaments

10. Governments should take effective measures to end discrimination. They should consider, for instance, instituting independent monitoring and complaints mechanisms designed to prevent discrimination in voting, vote fraud, intimidation and similar acts that inhibit the effective participation of all, especially members of minorities, in electoral activities. Such mechanisms might include, inter alia, ombudspersons, independent electoral commissions and/or free legal services. These mechanisms should be made available in the geographic regions and languages of minority communities, and should be adequately resourced.

11. Governments should adopt a policy statement that recognizes the diversity within their respective societies with respect to race, ethnicity, religion and language, and that highlights the importance of ensuring that this diversity is indeed reflected as widely as practicable in public institutions and bodies, including national parliaments, the civil service, the police and the judiciary.

12. The policy statement should be followed by measures to ensure effective and sustainable minority political participation, including the development of a national plan of action. The plan of action should include, inter alia, the development of educational programmes and campaigns that promote political participation, ensure

diversity and interculturalism among public administration staff, the adoption of positive measures to increase political participation of minorities and the allocation of sufficient resources to realize identified objectives. Minorities must be involved effectively in every step leading to the development and adoption of such a plan of action.

13. A specific mechanism or institutional procedure should be created to conduct a baseline survey and to monitor, on a regular basis, the progress achieved towards increasing effective minority participation. These data should be published regularly in an easily accessible format and discussed in public meetings with civil society.

14. 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 a 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 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.

15. At the national level, a proportional representation system or some other electoral design should be put in place, where practicable, to increase opportunities for minorities to participate effectively in State-wide political life. Conversely, Governments should not change the electoral system or electoral boundaries in a way that would be likely to weaken minority representation.

16. Where minorities are concentrated geographically, consideration should be given in appropriate circumstances to devolving power, creating autonomous or other sub-State divisions, or adopting other means to enable minorities to have a significant and direct impact on matters that directly affect them. Such solutions need not detract from overall State responsibilities, but might be based on the concept of "subsidiarity", namely that decision-making should generally occur at the lowest level of government consistent with the goals to be attained.

17. Mechanisms for the effective political participation of minorities at the local and State levels should not result in the entrenchment of political power based on ethnicity, religion, language or similar factors, which may only heighten divisions within society. While it is essential to ensure minority participation at all levels, the representation of all relevant interests should not result in governmental gridlock or the over-politicization of ethnic or other minority identity. Access to meaningful political power should not be dependent on one's status as a member of a minority.

18. Literacy, language, religious or other requirements that 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 may breach the prohibition of discrimination and result in minorities not being able to participate effectively in political life.

19. There should be no prohibition or unreasonable restriction placed on the use of any minority language during election campaigns, although language use should naturally be determined by assessing how the broadest constituencies possible may be reached. As far as possible, electoral authorities should provide voting information in both the official language and those minority languages used by voters in the areas where they are concentrated.

20. Civic education programmes specifically directed at informing minorities about 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. Civic education should be a central component of all public education curricula, describing citizens' roles and responsibilities and encouraging broad-based political participation for all. Governments should sponsor projects to boost political participation, enhance civic activism and education and promote issue-based advocacy, particularly within minority communities. Efforts should be made to ensure that qualified minorities are hired to develop, manage and/or implement government programmes targeted towards minorities.

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

22. Governments and parliaments should ensure the effective functioning and funding 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.

23. 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 those of other groups within minority communities potentially subjected to intersectional discrimination, such as minorities with disabilities.

24. States should consider what special arrangements are necessary to secure the right of minorities to political participation at different stages of a country's transition, from situations of gross human rights violations and armed conflict, particularly with regard to refugees and internally displaced persons.

25. States should also consider what special arrangements are necessary to guarantee the right to effective political participation for persons belonging to

nomadic communities who are least likely to have traditional documentation or proof of long-term residency in electoral districts.

26. Where citizenship is a requirement for voting, election to political office or appointment to a position in the public service, there should be a reasonable process for attaining such citizenship that is clearly defined, widely communicated and non-discriminatory with regard to race, ethnicity or religion. The process should not be prohibitive or present deterrents, such as being unduly lengthy, costly or otherwise burdensome for persons who meet the requirements.

27. Efforts should be made to accommodate the political participation of documented and regular migrant workers at the municipal level. This may include recognition of voting rights in municipal elections or the creation of special consultative bodies at the municipal level for enabling dialogue on issues of concern to migrants.

28. Respect for individual human rights must be the context within which measures to promote minority participation are taken; no one should suffer any detriment due to his or her membership or non-membership in a minority, including in systems of regional autonomy.

29. Parliaments are encouraged to establish special parliamentary committees to address issues of particular importance to minorities, and to enhance legislative attention to these issues.

B. Political parties

30. 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 policies that recognize the importance of reflecting diversity in their work, and develop plans to increase the level of minority participation within their ranks.

31. Political parties should adopt codes of conduct to prohibit inflammatory racist rhetoric and racist political platforms, not only during campaign periods but also between elections. Furthermore, there should be internal party mechanisms with the capacity to impose strong sanctions against party candidates who violate such codes of conduct.

32. Political parties with a national or broadly based constituency should develop strategies for more effective outreach to potential supporters and constituents within both majority and minority communities. They should allocate resources to determining the specific needs of members of minorities to facilitate their full participation in political, economic, social and cultural life. Parties should actively seek to ensure that all groups in society are aware of minority concerns, and should provide opportunities for meaningful consultation among all groups within society.

33. Political parties based primarily on minority or regional affiliation should not be prohibited solely for this reason. Nevertheless, narrowly drawn restrictions may be placed on the advocacy of violence to achieve political goals or on political platforms that incite hatred or discrimination.

34. In electoral systems of proportional representation using a party list, political parties should ensure that the names of persons belonging to minorities are placed high enough on the party list to ensure that they gain seats in the legislative body.

35. Political parties should consider establishing mentoring programmes through which successful minority politicians could act as role models, encouraging others to run for office, raising awareness of minority political participation and reaching out to the majority population to ensure continuous dialogue between all groups.

C. National human rights institutions

36. 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 and develop outreach programmes and civic education aimed at 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 complaint mechanisms, and ensure that human rights materials are available in the minority languages.

D. Civil society

37. Civil society should:

(a) Continue to play its role in breaking down the barriers preventing effective political participation of minorities, including through capacity-building and training activities, to ensure that representatives of minorities may participate effectively;

(b) Develop civic education projects targeted at minority communities, highlighting the citizen's rights, roles and responsibilities, and offer training to 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 nongovernmental 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 the training of trainers for the organizations of minorities, 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 advocate appropriate legal reforms to advance the role of minorities in government.

E. United Nations human rights mechanisms

38. Relevant treaty bodies and special procedures should continue to pay attention to the effective political participation of minorities and the obstacles to the effective realization of their rights during their dialogue with States parties on the implementation of their treaty obligations, as well as the 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.

F. The international community and United Nations agencies

39. The international community should allocate sufficient resources to projects aimed at ensuring political participation of minorities, enhancing civic engagement and education and promoting issue-based advocacy by minorities. A United Nations voluntary fund for minorities should be established with a mandate to channel support for such initiatives.

40. All intergovernmental structures that engage with civil society at the global and regional levels should take concrete steps to ensure that persons belonging to minority groups are able to participate in those processes.

41. United Nations agencies should support the implementation of recommendations of United Nations human rights mechanisms relating to the political participation of minorities by, inter alia, ensuring the translation of recommendations into minority languages and their broad dissemination and facilitating the use of the recommendations by all relevant actors at the national level, taking into account 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.

42. The Office of the United Nations High Commissioner for Human Rights should:

(a) Sponsor training workshops to support the implementation of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic,

Religious and Linguistic Minorities, including reference to recommendations of the Forum on the effective political participation of minorities;

(b) Develop regional workshops for minority political actors and other minority stakeholders;

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

(d) Increase the proportion of the resources devoted to activities directly related to the effective participation of minorities in political and economic life;

(e) Encourage States to develop and/or enhance minority youth professional training initiatives, such as minority fellowships and internships in national, regional and international government agencies, such as those of the United Nations.

43. The United Nations country teams, should, where appropriate, establish country specific consultative structures for minorities on participation in political processes.

44. The Inter-Parliamentary Union should organize an international meeting of parliamentary representatives and their staff to discuss how the effective participation of minorities in political decision-making could best be promoted. It should also set up an online clearing house on the political participation of minorities to provide a single point of access to the large amount of information that is already available at the national, regional and international levels.

45. 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 played by its members in promoting effective participation, within the broader framework of article 9 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

46. 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. The media

47. In both the public and private sectors, the media should make efforts to inform the society at large of minority-related issues, including by broadcasting in minority languages and emphasizing the importance of political participation for minorities. Special programmes should be developed during elections with a view to raising awareness within minority communities of the issues at stake, the platforms of the various political parties, registration procedures and other relevant information related to the election process.

48. The media should strive for balanced coverage to ensure equitable media access to all candidates or, where appropriate, each political party in all elections.

49. The effective participation of persons belonging to minorities in various media related bodies, such as supervisory boards, independent regulatory bodies, public service broadcast committees, auditors' councils or production teams, should be encouraged. All mass media organizations should take positive steps to ensure that their workforces are diverse and representative of society as a whole while seeking access to multiple voices within communities.

50. The freedom of minorities to establish and maintain their own private and public media, both printed and electronic, must be ensured without restriction on the free choice of the language used therein.

51. States should promote equitable access to new information and communications technologies, including the Internet, as a vital aspect of the democratization of information and a vehicle for encouraging the effective participation of youth in public life.



III. Minorities and effective participation in economic life:

RECOMMENDATIONS OF THE THIRD SESSION OF THE FORUM ON MINORITY ISSUES

Previous page photo:
Afro-Colombian Women in jewellery workshop, Isla Grande
de Rio Rosario, Narino, Colombia
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III. Minorities and effective participation in economic life:

RECOMMENDATIONS OF THE THIRD SESSION OF THE FORUM ON MINORITY ISSUES

(Held on 14 and 15 December 2010 in Geneva, Switzerland)
Chaired by Professor Gita Sen

I. INTRODUCTION

1. Given the pivotal nature of economic rights to the full inclusion of minority communities, at its third session, the Forum on Minority Issues focused on the topic of minorities and effective participation in economic life. The Chairperson of the Forum was Professor Gita Sen. The work of the Forum was guided by the independent expert on minority issues, Gay McDougall. The participants, of whom there were more than 500, included representatives of Governments, treaty bodies, United Nations specialized agencies, regional intergovernmental bodies and civil society. Importantly, the participants included representatives of minority communities from all regions of the world.

2. In accordance with Human Rights Council resolutions 6/15 and also with reference to resolution 13/12 (para. 3), the Forum made thematic recommendations that seek to be action-oriented and of practical value to all stakeholders, to enable them to make informed choices when designing legislation and policies aimed at combating the economic exclusion of minority communities.

3. The recommendations are based on international human rights norms. In addition to the Declaration on the Rights of Minorities and the clarifications provided in the commentary thereto, the recommendations draw upon other relevant international human rights standards, including the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the jurisprudence and general comments of the Human

Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the International Labour Organization (ILO).¹

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 and with a view to the effective application of human rights instruments and standards in practice, so that they can make a real difference in the lives of persons belonging to minorities.

II. GENERAL CONSIDERATIONS

5. Economic exclusion is a cause, a manifestation and a consequence of discrimination against persons belonging to minorities. Many minorities have historically been excluded from full and effective participation in economic life, both in the developed and in the developing world. Minorities are often discriminated against when they seek employment, on the basis of their colour, ethnicity, race, religion, language or name, even when there is legislation that bans discrimination in both public and private sectors. Some face long-standing and entrenched challenges, such as discrimination on the basis of work and descent, including caste and analogous forms of bias, which require specific attention. Women shoulder even more complex burdens of poverty, ethnic prejudice and gender-based restrictions.

6. Undue legal restrictions on the practice of traditional livelihoods and other economic activities of minorities still exist in some countries. They may face barriers in their access to credit or loans for businesses or may live in the poorest or most remote regions where governments have taken fewer measures to provide for economic and social development opportunities. Equally, large-scale economic development projects or commercial activities carried out on the lands and territories where minorities live, without prior consultation with these minorities, have had negative outcomes, including forced displacement, the perpetuation of poverty and, in some cases, violence, including sexual violence.

7. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992 states that persons belonging to minorities

¹ See, for example, Human Rights Committee general comment No. 23 (1994) on the rights of minorities; Committee on the Elimination of Racial Discrimination general recommendations No. 27 (2000) on discrimination against Roma, No. 29 on article 1, paragraph 1 (descent), and No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination; Committee on the Elimination of Discrimination against Women general recommendation No. 26 on women migrant workers (2008); and Committee on Economic, Social and Cultural Rights general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. The Committee on the Elimination of Racial Discrimination has established an early warning and early action procedure to address serious violations of the Convention in an urgent manner. See also the supervisory work of the ILO Committee of Experts on the Application of Conventions and Recommendations and the ILO global reports on discrimination under the Declaration on Fundamental Principles and Rights at Work (1998).

have the right to participate effectively in economic and public life (art. 2, para. 2). It also states that ensuring that persons belonging to minorities are “an integral part of the development of society as a whole” is necessary to maintain or build harmonious and respectful relations within society (sixth preambular paragraph). The Declaration highlights the fact that States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country (art. 4, para. 5). The specialized agencies and other organizations of the United Nations system are to contribute to these goals within their respective fields of competence (art. 9).

8. Several factors can exacerbate the exclusion of minorities, including deteriorating economic conditions, ethnic, religious, cultural or sectarian tensions or discrimination. In many countries, minorities do not enjoy their economic and social rights fully owing to unequal regional distribution of resources and services and a lack of investments and basic infrastructure in regions where minorities live. The numerical disadvantage of minority status can also translate into lack of political power and exclusion from effective participation in governance to protect rights or in access to mechanisms of justice when rights are violated.

9. The past decade has also brought new and unanticipated challenges, including the global food and economic crises, and climate change. These have had a significant impact on global governance and, in particular, on the vulnerability of minorities. Times of economic crisis can present particular challenges to minorities, which may be already subject to societal discrimination and stigma. Social pressures to blame those who have the least power can become explosive unless Governments play a moderating role and guarantee protection from violence and abuse. At the same time, policy measures to eradicate poverty are being compromised by the impact of the economic crisis and the constraints on international development assistance.

10. The effects of environmental degradation and climate change, including on access to food, water, habitats and livelihoods, are having a significant and disproportionate impact on minority groups. Climate change may threaten the very existence of minorities living in vulnerable environments. Insufficient attention to collecting accurate information about these consequences for minorities can render counteracting measures weak and inadequate.

11. Effective participation of minorities in economic life requires the creation of an enabling environment in the social, legal and political spheres, promoting respect for and the protection and fulfilment of the rights of minorities. The full implementation of the recommendations made by the Forum on Minority Issues, at its two previous sessions, on education and on the political participation of minorities are key elements in ensuring that minorities are protected and empowered to exercise effective participation in all areas of economic life. Representatives of minority communities, including women, and traditional leadership institutions should be

engaged in a meaningful participatory process in all aspects of the implementation of the recommendations.

12. Strategies for the inclusion of minorities in economic life should take into account the diversity of situation, identity and interests of minority groups. Different minority groups within a given country can have varying degrees of economic participation and diverse goals for economic inclusion, differentiated further by factors such as age and gender. In some minority groups, mainstream economic activities may be considered incompatible with or harmful to their livelihoods, cultural life and the exercise of their rights. Governments and other actors should be respectful of alternative forms of economic life and different development priorities expressed by minority groups, recognizing that such accommodation is integral to the protection of minority rights and the development of society as a whole.

13. Particular attention should be given to multiple and intersecting forms of discrimination against minorities, including on the basis of sex, age, disability, sexual orientation and gender identity. Intersectional discrimination deepens and complicates the impact of the denial of access to jobs, housing and other economic rights, making it more difficult to identify sustainable solutions. Minority women in rural or remote areas in some countries must cope with a profound isolation created by boundaries of the home, lack of education and language barriers. Their workload is made heavier by the lack of basic amenities such as clean water and sanitation, cheap and clean cooking fuels, the availability of child-care support, and protection against domestic and societal violence. Entrenched gender roles leave women highly vulnerable, particularly with regard to ownership of land or property, inheritance rights and access to credit, technology or markets.

14. Increasingly informal labour markets, a result of globalization, have brought more women into paid work, but often with low pay and under poor working conditions. This renders the conditions under which minority women - and all too often young girls - earn incomes difficult, harmful or even dangerous.

15. The right of minorities to participate effectively in economic life must be taken fully into account by Governments in all policy initiatives. From implementing non-discrimination in employment and enforcing protection laws in the private sector to developing national economic development and international development assistance schemes, Governments face the constant challenge of ensuring that the rights of minorities are protected and that they benefit as equal members of society. Development agencies, financial institutions and other actors involved in international cooperation share this challenge and should ensure that minority rights are protected fully in their response to the current global financial and employment crisis.

III. RECOMMENDATIONS

A. Governments

16. Governments should eliminate de jure and de facto discrimination affecting participation in economic life for minorities. Measures must be taken to eliminate discrimination against minorities in both the public and private sectors, including in the key fields of employment and labour rights, financial services, education and training, productivity-enhancing technologies, social security, land tenure and property rights. Governments should recognize and address multiple and intersecting forms of discrimination against minorities, including on the basis of sex, age, sexual orientation and gender identity or disability and their compounded negative impact on the women and other groups concerned.

17. Governments should ensure sufficient allocation of resources to implement fully domestic and international standards on non-discrimination. This includes sufficient resources for the development of indicators and benchmarks and for the regular monitoring of direct and indirect discrimination in access to economic and social rights.

18. Governments should ensure that there are strong penalties that are rigorously enforced for violation of laws on non-discrimination. Conversely, incentives for compliance and good practice should be meaningful. Guidelines and examples of positive practices should be easily accessible. Complaints mechanisms and remedies for violations of the right to non-discrimination by public and private sector actors and institutions should be equally accessible to persons belonging to minorities. Legal aid schemes targeting minority groups should be provided to ensure protection of their rights and access to justice.

19. Public sector employees should be provided with training on non-discrimination and cultural awareness in delivery of Government services. Access by minorities to Government services can be improved, for example, through the provision of services in minority languages, active outreach to minority communities, and branch offices in regions where minorities predominantly live.

20. Governments should gather, analyse and regularly publish disaggregated data to measure and monitor the effective participation of minorities in economic life. Improved data collection should be made a priority with regard to employment and labour rights, poverty rates, access to social services, social security, credit and other financial services, education, vocational training and land tenure rights. Data should be benchmarked and disaggregated by, inter alia, ethnicity, language and religion, and cross-tabulated by sex, age, disability and urban-rural and/or geographical residence.

21. Data should be gathered in a manner that is consistent with the right of minorities to self-identification, using transparent methodology that is consistent with international standards on privacy protections including, inter alia, informed consent

and adherence to ethical standards. The participation of minorities should be ensured in all aspects of design of methodology and collection of data. The legislative framework must provide for an effective data protection system to ensure that data are not misused to violate the rights of minorities, especially of rights to safety and freedom from violence. In this regard, better international standards and guidance for data protection should be developed.

22. Governments should value and protect the pursuit of traditional livelihood practices by minority groups. Such practices frequently add value to the wider economy but may face threats from environmental change, economic crisis or undue restrictions on activities. Pastoralists, for example, should have special protection measures for access to pasture and water; regional development initiatives could enable transborder economic activity. Governments should develop legislation and policies to promote the sustainability and welfare of pastoralist ways of life and include pastoralists, particularly women, in the development of such policies. Traditional craft industries could be afforded better market access through technology and infrastructure support. Fisher peoples should participate in policy decisions on the conservation of fish stocks and the protection of coastal regions and rivers.

23. Environmental degradation has a particularly harsh impact on pastoralists and fisher peoples. Governments should strictly enforce environmental protection laws in regions where minorities live. Localized adaptation and mitigation strategies should be put in place in cooperation with minority groups in response to climate change.

24. Governments should review, with the full and effective participation of minority groups, the extent to which minorities have equal access to land and security of land and property rights. Land owned or occupied by minorities may be highly valued for industrial growth or urban development because of its minerals, resources or location. Development projects, including the construction of dams, may have a negative impact on the use of land owned or occupied by minorities. This can create significant threats to minorities who lack the political or legal means to challenge land theft, forced displacement, involuntary resettlement or the harmful impact of extractive industries.

25. Strategies for improving security of land rights for minorities must be based on the principle of free, prior and informed consent to actions that would have an impact on the rights of minorities. Strategies can include a programme of land titling, review and, where necessary, revisions of domestic laws on land tenure, and fair and transparent resolution of land and property rights cases in domestic courts. Particular attention should be paid to land and property rights of women belonging to minorities, including equality in inheritance rights. Systems of shared or collective land rights and customary land tenure and property rights should be recognized and protected within the national legal system.

26. Governments must provide adequate and equitable compensation options for land and other forms of property, including full restitution and equity shares for land acquisition, in consultation with affected minorities or their freely chosen

representatives. In cases in which minorities have lost land rights owing to theft or deceit, forced displacement or eviction, measures should be taken to ensure that they have the possibility to assert claims to these lands, or to gaining access to agreed upon equivalent land elsewhere. In post-conflict or post-displacement situations, processes for land and property restitution should be established and implemented.

27. Persons belonging to minorities are often not able to obtain full and equal access to social protections and security. Minorities are more likely to work in the informal economy, where contributions to social security schemes are unlikely. Governments should take steps to ensure that minorities are aware of their rights and how to have access to them. Cash transfer schemes and related social protection measures should be adapted to take account of vulnerabilities and risks due to discrimination based on minority identity. Social security programmes should be accessible to workers in the informal economy. Where access to social protection measures are contingent on identity cards, special measures should be taken to accommodate minorities who often face barriers to obtaining identity cards and birth registration created by prejudice.

28. Education is a key aspect of improving the economic participation of minorities. Governments should ensure that persons belonging to minorities have equal access to quality education leading to equal educational outcomes. Education should comply with international standards on the right to education for minorities, including mother-tongue education, curriculum reform, teacher training and investment in educational facilities used by minorities.² Governments are encouraged to collect data on educational attainment levels of minorities and to identify key barriers to higher educational attainment. Programmes to overcome these barriers may include targeted support for children at risk, targeted grants and scholarships for primary, secondary and higher education, school support and outreach to families, and community cooperation initiatives with minority communities and organizations. Such programmes should pay special attention to social and cultural barriers based on gender and, in particular, must ensure personal safety, including protection from sexual abuse, and the right to water and sanitation facilities for adolescent girls.

29. Governments should invest in programmes that build employable skills for minorities, particularly women, who are often excluded from the labour market or at higher risk of unemployment. This could include the development of traineeships targeted for minorities; the provision of adult education, in areas where minorities live, that would include vocational training and qualifications for higher-skilled sectors; targeted scholarships and research fellowships for higher education; and free access to language and literacy training. Ensuring equal access to new technologies for minorities, including in the energy and information communications technology sectors, can counteract growing inequality gaps and increase the productive skills capacity of minorities.

² See A/HRC/FMI/2008/2.

30. Governments should invest in legislative and policy reform to ensure access to productive and decent work and the protection of labour rights for persons belonging to minorities. Governments should consider the establishment of a national task force, in which minorities participate, to review and devise strategies for improving employment and entrepreneurship opportunities for minorities. Minorities often live in regions where job opportunities are fewer and infrastructure for markets is weaker. In consultation with minority communities, Governments should consider creating incentives for private sector enterprise in such areas, including improvements to infrastructure facilities, tax incentives and Government-supported traineeship schemes targeted for minorities. This can be coupled with investment in public sector employment in these regions.

31. Governments should take all necessary steps to overcome barriers to minority women's access to the labour market, including lack of professional education and formal qualifications, limited knowledge of the official language, low awareness of job opportunities, geographical location of jobs distant from the place of residence, lack of public infrastructure for childcare and financial difficulties. Cultural traditions may further discourage minority women's involvement in employment. Minority women workers should be protected from mental, physical and sexual abuse by employers. Gender-based discrimination in hiring, promotion and pay must be eliminated. Programmes should be established to provide maternity leave, access to childcare facilities and special protection at work during pregnancy with respect to potentially harmful activities.

32. Labour inspection services should be reviewed and increased where necessary in regions and for occupations where there is a large minority presence. Access to existing complaints mechanisms for employment discrimination should be reviewed to ensure that minority members can effectively make complaints, and that the mechanisms are free, accessible and rapid.

33. Minorities are disproportionately concentrated in low-wage, low-skilled labour, including in the key informal economy sectors of domestic work, agricultural labour and street vending. Governments are urged to adopt and implement national legislation and policies that would extend protection of labour laws and social security to individuals working in the informal economy in both urban and rural areas. This could include support for workers' organizations and participation of representatives from these sectors in planning and policy committees of government. Domestic workers, the majority of whom are women, would benefit from efforts by ILO to establish new international standards for domestic workers, and Governments are urged to ratify swiftly an expected international convention to this end.³ Street vendors should benefit from legislative and practical protection against harassment and changes in urban planning to provide safe and productive zones for the delivery of their services. National labour legislation in economic sectors where there is a

³ ILO is working towards the adoption in June 2011 of a new international standard on domestic workers.

large presence of minorities, such as agricultural labour, should be reviewed and strengthened to ensure equal protection to that afforded workers in other industries in which there is a predominance of majority populations.

34. Many persons belonging to minorities are self-employed in small businesses. Governments should ensure that such businesses have equal protection before the law. Business support agencies or business-related policy reforms should take steps to ensure equal access for minority business owners and accommodation of cultural or religious particularities. Governments should ensure that the impact on minority businesses of the financial crisis and of fiscal, monetary or other policies to address the crisis are monitored, and that steps are taken to ensure that such businesses are not disproportionately harmed. Businesses in the informal economy, where many minority businesses are concentrated, should have access to simplified licensing or registration procedures to bring them fairly and without discrimination into formal sector protections and social securities. Financial services, including credit services, should be monitored to ensure non-discriminatory access to such services by minorities. Special measures should be taken to ensure access by minority women to bank loans, mortgages and other forms of financial credit. Where applicable, culturally or religiously appropriate lending practices should be encouraged.

35. Regulatory agencies overseeing the financial services industries should review practices by banks and similar financial institutions to ensure that these institutions comply with standards on non-discrimination in access to credit and financial services.

36. Governments are urged to review legal and regulatory provisions regarding migrant workers, as well as the practices of law enforcement agents and employers, to ensure complete conformity with minority rights and the rights on non-citizens under the International Convention on the Elimination of Racial Discrimination. Migrant workers belonging to national or ethnic, religious and linguistic minority groups should be enabled to exercise their right to practice their culture, language and religion in community with other members of their group and should be protected from discrimination in all relevant domestic legislation. Access to basic social services, education and labour rights, including social security, should be provided for all migrant workers and their families in accordance with international standards. Women migrant workers may be especially vulnerable to maltreatment in the form of non-payment of wages and, in some cases, mental, physical and sexual abuse.

37. Governments should take special measures to address disparities with regard to the participation of minorities in economic life, including the effects of direct and indirect discrimination. Robust programmes should be undertaken, especially in the fields of employment, education and training, political representation, financial services, land tenure and property rights and/or social security.⁴ Affirmative action

⁴ See general recommendation 32 of the Committee on the Elimination of Racial Discrimination on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

measures should be a component of a comprehensive equality strategy and may cover a broad spectrum of tools, policies and practices, from benchmarks and quotas to targeted recruitment, hiring and promotion, and may include legislative reform or targeted budgetary support. Decisions on policy choices should be made in meaningful consultation with minority groups, be transparent and be supported by disaggregated data demonstrating existing inequalities.

38. Persons belonging to minorities who experience intersecting discrimination may require additional measures to ensure that they have equal access to their right to non-discrimination and remedies in cases of violations. Such measures should be responsive to the fact that girls and women usually bear multiple work burdens, within and outside the home, that require amelioration and support. Additionally, age and disability impose special vulnerabilities that commonly result in poorer economic status.

39. The right of minorities to be informed of and participate in the elaboration of macroeconomic and social policy at the national level and in local level economic and social policy decision-making should be guaranteed, including participation in relevant standing committees and ad hoc consultative mechanisms. These are, however, no substitute for formal representation in governance structures. Governments should conduct human rights impact assessments for proposed economic and social policy reforms to ensure that there is no direct or indirect discrimination against minorities or other violations of minority rights. Budgetary allocations by sector and region should address inequalities experienced by minorities, including minority women in those sectors and regions. Information on budgetary allocations should be transparent and accessible to minority groups, including through the publication of budgets in minority languages and coverage in minority media outlets.

40. The achievement of the Millennium Development Goals is critical to securing the full and effective participation of minorities in economic life. There is, however, a risk that minorities will be excluded from or harmed by policies linked to the Goals.⁵ Governments are encouraged to establish new Millennium Development Goals Plus indicators for those targets that minorities are at particular risk of not achieving. National poverty action plans and, where applicable, the implementation of poverty reduction strategy papers should be pursued with the full and effective participation of minorities to ensure that essential principles for poverty reduction such as accountability, equality, non-discrimination, participation and empowerment are fully achieved. Indicators to measure poverty should take into consideration the cultures and lifestyles of minorities in order to assess poverty from the perspective of the community's aspirations rather than only those of dominant groups.

41. Governments should support the establishment of a voluntary fund for minorities (see paragraph 64 below).

⁵ See also the report of the independent expert on the Millennium Development Goals and minorities (A/HRC/4/9/Add.1).

B. National human rights institutions

42. National human rights institutions should review the implementation of domestic legislation on discrimination in access to employment, labour rights, health and other social services, social security, financial services, land and property rights, education and training. They should make recommendations that respond to gaps in implementation or legislation.

43. National institutions should focus particular attention on the performance of Government services with regard to non-discrimination and equality measures in civil service employment. Data should be gathered and published annually.

C. Civil society

44. Civil society actors focused on key aspects of economic participation should cooperate closely with minority groups that prioritize these issues in their advocacy to strengthen civil society initiatives and ensure that proposed reform measures fulfil the rights of minorities and are not harmful. Civil society organizations should form coalitions and networks to strengthen national, regional and international advocacy on the protection of minority rights and should widely disseminate the recommendations of the Forum.

45. Civil society organizations are encouraged to form coalitions or networks to strengthen national, regional and international advocacy on the protection of minority rights. Particular attention should be paid to providing legal counselling, advice and, where necessary, representation in legal proceedings to help secure economic and social rights for minorities.

46. Civil society efforts at budget monitoring should integrate attention to minority rights into monitoring activities. To improve the economic participation of minorities, special attention should be paid to monitoring the equity of budget allocations in regions where there are significant minority populations and to special measures or other policy initiatives that address discrimination against minorities in access to education and training, employment, financial services, social security and land tenure and property rights.

47. Civil society initiatives relating to businesses and corporate social responsibility should integrate attention to minority rights issues into their campaigns, into dialogues with private sector actors and into recommended legislative and policy reforms. Particular attention should be paid to eradicating discrimination in access to work and labour rights, and to preventing corporate exploitation of minority lands, resources, cultures and traditional knowledge.

D. Trade unions

48. Trade unions should recruit and be supportive of minority workers, including tackling the problems of minorities in the labour force. They should extend their efforts to economic sectors where minorities are often found. Negotiation of collective agreements should systematically take minority interests into account.

49. Trade unions should extend institutional, legal and advocacy support to informal economy workers where minority groups may be concentrated, including to domestic workers, agricultural labourers and street vendors. Efforts can be made to enable workers in these sectors and all other relevant sectors to establish representative networks or organizations, including with the support of meeting space, legal advice, start-up funds or advice on institution-building.

50. Trade unions should ensure the full, effective and equal participation of minority union members in leadership and decision-making structures of the union. They should ensure that information on trade union activities is accessible to minorities, including through translation into relevant minority languages or outreach to minority media outlets.

51. Trade unions should survey union members to identify issues of discrimination on the basis of minority identity, including multiple and intersecting forms of discrimination on the basis of sex, age, disability, sexual orientation and gender identity, that have affected equal access to employment and labour rights. Trade unions should establish task forces to develop plans of action to eradicate labour practices that discriminate against minorities.

E. Private business sector, including national and transnational corporations

52. All business enterprises should ensure that their operations comply with national and international labour standards. Employers should ensure that persons from minority groups have access to their labour rights without discrimination, including in the areas of hiring, remuneration, promotion, the right to join and form trade unions and to take part in their activities, access to employment tribunals, maternity leave, childcare and pensions.

53. Employers should aim for a workforce that reflects the ethnic, religious and linguistic diversity of the national or local population. Job vacancies should be advertised in local minority media outlets and recruitment drives should reach out to local community organizations. Companies also should adopt affirmative programmes and special retention initiatives, and consider the creation of designated traineeships for persons belonging to minorities. Businesses should train employees on non-discrimination, minority rights and cultural awareness and, where appropriate, offer services in minority languages. The appointment of data protection officers should be encouraged.

54. Initiatives on corporate social responsibility should integrate attention to minority rights in their monitoring, accountability and capacity-building activities. Such initiatives should aim at having a real impact on the enjoyment of human rights of minorities and be evaluated in accordance with this goal. In particular, high standards of due diligence should be maintained to prevent and eliminate any negative effects of corporate activities on the lands, resources, traditional knowledge, culture and beliefs of minority groups.

55. Business associations should work with minority businesses and minority business associations to safeguard their equal protection before the law and under relevant regulatory frameworks. Minorities could consider the establishment of minority business associations to facilitate the promotion of minority businesses and protection of minority rights in the domestic legal and regulatory framework directed at business and enterprise.

F. International financial institutions: International Monetary Fund, World Bank and regional development banks

56. International financial institutions should ensure that their financial lending and technical cooperation does not result in direct or indirect discrimination against minority groups or violations of other minority rights. Impact assessments of proposed macroeconomic, financial and structural reforms and funding of large-scale Government projects should include attention to the situation of minorities and recommendations for respecting, protecting and fulfilling their rights, including safeguarding their livelihoods and securing their land, property and resources. International financial institutions should urge Governments to take steps to mitigate the effects of the global economic crisis on minorities and to protect minority rights during periods of increased vulnerability.

57. International financial institutions should ensure that programme support initiatives on poverty eradication and social inclusion take full account of and respond to barriers to participation in economic life experienced by minority groups. In-house systems for reviewing strategic plans, lending and country programmes from the perspective of minority rights protection should be established with the effective participation of minority groups. International financial institutions are encouraged to adopt safeguard policies and complaints mechanisms that are easily accessible to minorities. Information on the activities of international financial institutions should be made available to minorities, including through proactive outreach to minority communities, minority media outlets and translation of relevant documents. International financial institutions should promote hiring policies that foster the active recruitment and retention of minority workers.

58. International financial institutions are urged to invest in research to analyse the participation of minorities in economic life. Particular attention could be given to measuring the impact on domestic economic growth of minority exclusion from labour markets and private enterprise, and analysing the impact of economic crises on minorities and approaches to accommodating different development priorities expressed by minority groups.

59. Bilateral and multilateral trade and investment agreements should not restrict the ability of Governments to adopt affirmative action and other special measures aimed at ensuring non-discrimination and full participation of minorities in economic life. The ability of Governments to use a combination of trade and investment policy tolls necessary for them to promote the full participation of minorities in their economies should be supported. Market access by minorities should be monitored to ensure non-discrimination and the adoption of special measures where necessary. The impact of trade policies on minorities should be monitored.

G. United Nations agencies and other bilateral and multilateral development agencies

60. Development agencies should work closely with Governments to identify and remedy the root causes of discrimination against minorities that result in economic and social exclusion. All country strategies should reflect mainstreaming of minority issues and minority rights. Consideration should also be given to the effects of intersecting forms of discrimination in all strategies. To this end, development agencies should facilitate the full, effective and meaningful participation of representatives from minority groups, including minority women, in the country strategy development process. This may include holding meetings in regions where minorities predominantly live, offering language translation services or extending childcare provisions to parents.

61. Development agencies should consider the establishment of standing advisory bodies comprising representatives of minority groups (or including members of minority and majority groups), including women, to support agencies on policy issues affecting the communities of those minority groups. Development organizations should provide funding and technical support aimed at strengthening civil society organizations of minority groups. Information on the activities of development agencies should be made accessible to minorities, including through proactive outreach to minority communities, minority media outlets and the translation of relevant documents. Agencies should promote hiring policies that foster the active recruitment and retention of minority workers.

62. Development agencies should assess the impact of their proposed and implemented programmes and projects on minority groups. In their technical cooperation roles, development agencies can help safeguard against well-meaning but harmful practices used by Governments for increasing the participation of minorities in the mainstream economy, such as forced migration or restrictions on traditional livelihood practices. Development agencies can use their good offices to urge Governments to ensure the effective participation of minorities, including minority women, in research on root causes and in decision-making on such strategies. Agencies are encouraged to adopt their own safeguard policies and complaints mechanisms to ensure that practices harmful to minorities are not used in their operational activities.

H. Human rights mechanisms of the United Nations system

63. Relevant treaty bodies and special procedures of the United Nations and the ILO Committee of Experts on the Application of Conventions and Recommendations have made important contributions in their jurisprudence to the protection of minority rights in economic life. They should continue to review the rights of persons belonging to minorities in their monitoring of domestic and international legislation and policies pertaining to economic participation. The individual complaints and inquiry procedures under several of the core human rights treaties similarly provide a unique opportunity to catalyse positive change for the enjoyment of the rights of minorities.

64. A voluntary fund for minorities should be created to enable minority representatives to participate in, assist and use the human rights mechanisms of the United Nations system. The voluntary fund also should provide funding for projects managed by minority groups aimed at enhancing the enjoyment of minority rights, including strengthening effective participation of minorities in economic life.



IV. Guaranteeing the rights of minority women and girls

**RECOMMENDATIONS OF THE
FOURTH SESSION OF THE FORUM
ON MINORITY ISSUES**

Previous page photo:
Sabean Mandeans participate in a wedding ritual
on the banks of the Tigris River, Baghdad, Iraq
© Shiho Fukada/ Panos

IV. Guaranteeing the rights of minority women and girls:

RECOMMENDATIONS OF THE FOURTH SESSION OF THE FORUM ON MINORITY ISSUES

(Held on 29 and 30 November 2011 in Geneva, Switzerland)
Chaired by Ms. Graciela J. Dixon

I. INTRODUCTION

1. The fourth session of the Forum on Minority Issues (held 29-30 November 2011) focused on practical and concrete measures and recommendations aimed at guaranteeing the rights of minority women and girls. It was informed by and built on the work of the previous three sessions of the Forum relating to “Minorities and the right to education”, “Minorities and effective political participation” and “Minorities and effective participation in economic life”. The Chairperson of the Forum was Graciela Dixon of Panama. The work of the Forum was guided by the independent expert on minority issues, Rita Izsák. The participants, more than 400, included representatives of Governments, treaty bodies, United Nations specialized agencies, regional intergovernmental bodies, national human rights institutions and civil society. Importantly, participants also included several representatives of minority communities from all regions of the world.

2. In accordance with Human Rights Council resolution 6/15, the present document contains the recommendations that emanated from the fourth session of the Forum, which sought 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 role of minority women within the State while enabling them to maintain their own identity and characteristics, thus promoting the good governance and integrity of the State.

3. In addition to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the commentary thereon, the recommendations are based on other international and regional human rights

standards, principles and guidelines developed by different stakeholders as well as 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 and other treaty bodies, including the Committee on the Elimination of Discrimination against Women, have also informed the recommendations.

4. The range of issues included in the recommendations is not exhaustive. It is hoped that the recommendations will be interpreted in a constructive manner, in cooperation and dialogue with minority communities in the light of the obligations of States to implement human rights standards effectively in practice.

5. 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 rights. The Forum took into account the fact that a great variety of country and minority situations exist and that, consequently, different measures may be required to improve the participation of minority women, who can be deeply affected by the context in which they live. Standard solutions are generally neither possible nor desirable.

6. The present document provides decision-makers, public officials, non-governmental organizations, academics and others, including minorities and minority women themselves with an overview of possible options and solutions to the challenges facing minority women. The recommendations are a resource for decision-makers, assisting them to make appropriate and informed choices when designing legislation and policies aimed at guaranteeing the rights of minority women, with emphasis on the rights and opportunities for minority women to have access to education, to take part effectively in economic life and to have access to labour markets, and to participate fully in social, cultural and political life. The document further constitutes a useful tool for minorities themselves, both men and women, guiding them in their efforts to improve the situation of minority women. Moreover, it should be borne in mind that a country situation will evolve over time, and therefore needs to be assessed on a regular basis in order that existing mechanisms may be improved or new mechanisms established to ensure that minority women can enjoy their rights fully.

II. GENERAL CONSIDERATIONS

7. Women belonging to minorities frequently experience unique challenges and 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 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. A gender perspective that takes into account the multiple and intersecting forms of discrimination that minority women and girls might face is critical when addressing minority rights and the situation of minority women and girls in a given minority group, and in a particular country. The rights of every single member of such minority groups must be respected fully and equally, in all circumstances. Likewise, the existence of entrenched gender roles or local customs does not relieve the State of its responsibility to respect, protect and fulfil the rights of minority women.

8. The diversity that exists within every minority group must also be recognized. They are diverse communities, including women and girls, who may experience multiple forms of discrimination in the course of their interactions within and outside their group. Women may be regarded as subordinate or inferior by men; in addition, minority women may face discrimination on the basis of their ethnicity, nationality, language or religion from those outside the community.

9. The issues and concerns of minority women are frequently given a lower priority than the efforts made to ensure minority rights for the group in general. Women belonging to minority groups often struggle within their communities to advocate for their rights, which may be set aside as a result of the prioritization of the general concerns of the group. Barriers to the empowerment of some minority women, including lack of social or economic contacts, networks or minority women's support groups, and scarcity of female minority role models have an important impact on the enjoyment by minority women and girls of their human rights. Minority women may hesitate to voice their gender-specific grievances even within their own groups, and much less outside them. Minority women's rights could benefit from greater attention by the broader movement for women's rights. In turn, the women's rights movement would also benefit from the specific experiences of minority women in their overall struggle for equality.

III. GENERAL RECOMMENDATIONS

10. All measures taken with a view to implementing the recommendations made below should be developed, designed, implemented and reviewed with the full and effective participation of minorities, both men and women. The conditions allowing for such collaboration and mechanisms to facilitate consultation should therefore be put in place by all actors involved. Since no community is homogenous, efforts should also be made to ensure that the diverse views within minority groups be heard and taken into account in the process.

11. In this conjuncture of difficult worldwide economic situation, all stakeholders should ensure that the attention to gender and issues of minority women not be sidelined or reduced.

A. National, regional and local governments

12. Governments should acknowledge the particular challenges and barriers faced by minority women. They should ensure that domestic legislation relevant to anti-discrimination, equality, the rights of women and minority rights is adequate to guarantee the protection of minority women and, where appropriate, that it take explicitly into account the rights of minority women and the multiple and intersecting forms of discrimination to which they may be subjected.

13. Governments should review, reform as appropriate and make transparent any legislation, policy or practice that has a disproportionately negative effect on women from particular minority groups, for example, by restricting their access to public and work places, employment opportunities and educational institutions.

14. In addition to adopting domestic legislation preventing direct and indirect discrimination against minority women and girls, Governments should ensure the implementation of such legislation and that adequate penalties exist for acts of discrimination.

15. Minority women's access to justice should be evaluated and barriers identified. Governments should consider appropriate safeguards, including those aimed at guaranteeing the right of minority women and girls to non-discrimination and their equal access to remedies in cases of violation of their rights. The justice system, in particular at the local level, should be equipped to help ensure that minority women have full and effective access to justice and comprehensive reparation. For example, legal aid could be targeted at and made more easily accessible to women from minority groups, including by means of outreach and the provision of translation services in minority languages.

16. Governments should take all necessary measures to ensure protection of minority women's rights defenders and minority women who fulfil leadership roles and may be at greater risk of violence.

17. Governments should recognize the need for special measures, policies and programmes in order to address entrenched situations of discrimination and exclusion experienced by certain women belonging to national or ethnic, religious and linguistic minorities. They should ensure that policies equally benefit minority women by adopting targeted approaches devised to eliminate gaps and inequality between them and others in society. Such measures should be time-bound, monitored and evaluated to assess their impact on the situation of disadvantaged minority women and girls.

18. Accurate data disaggregated by ethnicity, gender, nationality, religion and language allows for a greater understanding of the issues affecting minority women and their circumstances, including their socio-economic situations, and enable targeted interventions to be considered. A crucial prerequisite for this data collection

to be initiated is the recognition by Governments of the very existence of minorities on their territory. Governments should undertake data-gathering exercises that are designed and implemented in full consultation with minorities and minority women. Disaggregated data collection should serve three ends: it should be used first of all to assess the prevailing situation, then to assess the resources that are available and actual access to and use of such resources and finally to conduct an outcomes and impact assessment. Data collection should be conducted in an ethnically sensitive manner and 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. The reason for data collection, the process and the way that the information collected will be used should be fully transparent. Using equal opportunity and non-discrimination indicators is essential to develop, monitor and regularly review effective and targeted programmes to improve the situation of minority women and tackle discrimination against them. States should consider issuing a national status report or a white paper on the status of minority women.

19. Governments should evaluate and, where necessary, improve minority women's access to information, including with regard to such areas as service provision, social and child services and health care. Where appropriate, this should be provided in their mother tongue and to those living in remote regions, and should include measures to facilitate access to and use of new information technologies, including social media.

20. Governments should take measures to identify and integrate consideration of minority women and the intersectional dimensions of discrimination, as well as a gender and minority perspective, in all national programmes, policies and initiatives relevant to minorities. Decisions on policy choices should be fully transparent and made with the full and effective participation of minority women. Obstacles preventing minority women's participation in decision-making should be identified and addressed by prioritizing the development of a systematic and consistent approach to identifying, evaluating, monitoring and eliminating existing forms of discrimination against minority women and girls.

21. Governments should systematically include principles of gender equality in their planning and budgeting processes and policies, and allocate adequate resources to projects to address the priorities of minority women. Where they have gender-sensitive budgets, Governments should ensure that these include minority women, as should Governments where they have budgets for minorities or marginalized groups.

22. Governments should build multidimensional partnerships at the national and local levels with ministries, training institutions, parliaments, minority groups, women's organizations and, more broadly, civil society organizations operating at policy or community levels. When working on gender equality and minority rights, all should collaborate in the development of clear, long-term strategies and programmes

that reflect the needs, expectations, priorities and agendas of the different minority groups in society and minority women belonging to these particular groups. These programmes could include training sessions tailored for minority women in leadership and negotiation skills, as well as in civic representation.

23. Governments should work together with minority communities, minority and women's rights organizations to develop and implement programmes to sensitize minority women about their rights, and men about minority women's rights. Carefully designed and implemented public sensitization programmes should also address discrimination and violence against minority women perpetrated by both majority communities and in minority communities. Such public sensitization programmes should be sensitively carried out so that they do not exacerbate discrimination against the minority communities.

24. Efforts to identify and address violence against minority women should be made in close collaboration with local and minority institutions and existing administrative structures. Governments should also ensure that their strategies to tackle violence against women include – and are culturally sensitive and relevant to – all women, including by reflecting the views, opinions and experiences of minority women, and make sure that they have full access to protection and effective remedies. Violence against women occurs in all communities, not only minority communities, and minority women have the right to protection as much as majority women.

25. Government and law enforcement officials, social workers, health professionals and other relevant actors should receive training on non-discrimination, women's rights and violence against women, including domestic violence, and on the particular situation of minority women who may be disadvantaged or vulnerable. In areas where minorities predominantly live, public sector employees should be encouraged to have at least a basic knowledge of the minority languages. Governments should further ensure that officials who discriminate against minority women are effectively sanctioned.

26. Governments should conduct periodic reviews of the accessibility of key social services to minority women, with a view to identifying and removing possible barriers that may prevent minority women, including those who are victims of violence, from having access to remedies and protection. The provision of and access to refuges, shelters and social and health-care services should be culturally sensitive and secure.

27. Minority women and girls may be particularly vulnerable in conflict and post-conflict situations. Peacekeeping operations and national security forces working to secure peace in regions affected by war and/or rebellion should pay particular attention to the need to protect minority groups, including the specific needs of minority women and girls. Staff members, police and military personnel should receive training on the specific needs and vulnerability of marginalized minority women and girls, in particular with regard to the use of sexual violence as an

instrument of war. Women's and minority rights should be mainstreamed in the constitution-making processes in conflict or post-conflict areas. Minority women should be included in all processes of conflict settlement and post-conflict reconstruction. Measures should also be taken to ensure access to justice for minority women and girls and accountability for those guilty of violating their rights.

28. Evidence demonstrates that minorities in all regions experience denial or deprivation of citizenship, which affects their full enjoyment of their rights and frequently leaves them stateless. The consequences of denying or depriving minority groups of citizenship are considerable. It can have a negative impact on affected persons' living conditions and the degree of their integration in all aspects of society. These situations are sometimes compounded by discrimination against minority women, for example, with regard to the acquisition, change or retention of nationality and the conferral of nationality on their children. States are urged to review national laws or policies that may deny or deprive minority women and their children of their legitimate right to citizenship.

29. Minority women may be particularly vulnerable to trafficking in persons, particularly those living in situations of poverty or conflict, or in remote and border regions. Governments should strengthen bilateral, regional and international cooperation aimed at the elimination of trafficking in persons, especially women and children. Regional institutions should be established with concrete plans of action to combat and eliminate all forms of trafficking in persons and, which should include explicit attention to minority women and girls, as well as protection measures, in order to prevent their return to their country of origin where they might be at risk of further violence from traffickers or of re-trafficking. Such institutions should pay particular attention to ensuring the recruitment of minority women within all of their programmes and to the several factors that might make minority women particularly at risk of trafficking in some situations. Counselling and support programmes should be culturally sensitive and accessible for minority women who are victims of trafficking.

30. Disadvantaged minority women and girls may also be particularly vulnerable to other contemporary forms of slavery, including forced labour, debt bondage, child labour, the sale of children, forced prostitution and forced and early marriage. Governments should put in place systematic measures to identify such practices and take robust action to eradicate violations.

31. All women have the right to protection from harmful practices, which may be found in all communities - majority or minority. Governments should take measures to eliminate all harmful practices, including those that discriminate against minority women and girls, or subject them to violence or physical injury. This process should seek and involve the collaboration of minority, traditional and religious leaders, and especially of minority women themselves and women's organizations. Minority women frequently work on eradicating harmful practices and their efforts should be

supported. The rights of minority women to equality before the law and to non-discrimination must be given priority over long-standing harmful practices. Governments should ensure that any prohibition of minority practices, that are not per se harmful, be based on reasonable and objective grounds, proportionate to the aims pursued, and not result in an indiscriminate attack on minority cultures. Practices that lead to and/or perpetuate gender inequality or violate the rights of individual women in certain minority communities should be rectified, including through dialogue directly with the communities concerned and with the effective participation of minority women.

32. Governments should allow full access to regions where minorities, and minority women in particular, predominantly live during country visits by special procedures as well as to international organizations and the media, in order for the latter to be able to collect information directly from minority women on their experiences and bring more visibility to the situation of minority women and the challenges they face.

B. National human rights institutions

33. National human rights institutions should ensure that the full spectrum of views, issues and challenges and the diversity of their respective societies are reflected in their activities and programmes. They should consider specific mechanisms in their secretariat to address minority issues, for instance, a focal point on gender and discrimination, with particular attention paid to issues relevant to minority women.

34. National human rights institutions should design a programme of work to analyse the implementation of non-discrimination legislation for minority women. They should analyse domestic legislation and customary laws that are discriminatory towards minority women and recommend policy and legislative reforms where appropriate. They should also assist in developing programmes to enhance the implementation of non-discrimination legislation, including with regard to minority women's access to education and vocational training, employment, labour rights, social security, financial services and land and property rights.

35. National human rights institutions should support Government actors in such areas as the training of public officials, the design and implementation of gender and racial equality projects, and ensuring access to justice for minority women. They should also act on behalf of minority women and facilitate their access to justice.

36. In the design of promotional and educational human rights material and programmes, national human rights institutions should ensure that they mainstream not only a gender perspective but also a minority rights focus, with particular attention to the specific situation of women who are members of the minority groups in society.

C. Civil society

37. International and national institutions and non-governmental organizations working on women's rights should review the extent to which they integrate minority issues into their work, with a view to strengthening their attention to the issues of women belonging to minorities. Equally, those working on minority rights and issues of racial discrimination should ensure that they integrate a gender perspective into their work and programmes. Organizations should consider developing joint programmes to ensure that issues of minority women and intersectional discrimination are made visible and addressed in their work.

38. Minority and women's rights organizations should implement targeted programmes to address the exclusion and discrimination experienced by certain minority women. These could include literacy training and adult education programmes, support for the creation of women's committees in communities, assistance for minority women to establish networks and organizations providing advice and social support, local advocacy groups to address problems as they arise, and the identification and sharing of experiences of positive role models.

39. Minority rights organizations should encourage a process of national consultation with minority communities with a view to studying the impact of customary practices, as well as national legislation and policies on the rights of minority women. Such studies could then be used to assist the Government in reviewing existing legislation and in designing targeted interventions in favour of minority women's rights and empowerment.

D. United Nations system and human rights mechanisms

40. All United Nations and regional human rights bodies should address minority issues specifically and systematically, and adopt a gender perspective throughout their programmes and activities. If it is not already the case, they should adopt a specific policy on minority issues, including paying particular attention to the rights of minority women. They should consider appointing a specialist to focus on intersectional discrimination and to help to address minority women's issues.

41. Development agencies should work with minority women and minority non-governmental organizations to ensure that, wherever appropriate, their interventions address the specific issues faced by minority women, including by systematically collecting and disseminating disaggregated data to inform policy direction in all their fields of work.

42. Development agencies should provide adequate resources for detailed research on minority women for capacity-building support for minority women's organizations, to help them implement effective advocacy and development

programmes for minority women and support initiatives on the access of minority women to legal remedies, economic opportunities, education and health.

43. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) should take the lead on issues related to multiple or intersectional forms of discrimination faced by certain minority women, and collaborate with other agencies with a view to addressing those issues in an effective manner. The approach taken by UN-Women in putting emphasis on particularly vulnerable and marginalized groups should encompass a minority rights-based focus with a view to ensuring that the situation of minority women is addressed and mainstreamed into all their programmes, and that national frameworks ultimately cover the full range of women's rights concerns.

44. Individual mandate holders and working groups of the Human Rights Council and special representatives of the Secretary-General mandated by the General Assembly are encouraged to continue to examine, where appropriate within their mandates, the situations of minority women and intersectional discrimination affecting them. The existing collaboration between special procedures mandate holders in this regard, at the United Nations level and with the regional mechanisms, should be further strengthened and consolidated. Greater collaboration could lead to a more efficient information-gathering process, enhanced discussions with States with a view to revising discriminatory laws and facilitate the exchange of best practices.

45. Treaty bodies should require States to provide information in their periodic State reports on the situation of minority women and on policies and programmes of the State to ensure the full enjoyment by minority women of their rights.

46. Treaty bodies should continue to develop and embrace a systematic approach to their consideration of multiple forms of discrimination, involving not only rural or vulnerable women but also minority women. They should ensure analysis of intersectional discrimination in all their work so that it reflects the realities of minority women, and should consider adopting general recommendations on minorities and minority women.

47. Treaty bodies should systematically consider cases where harmful practices breach the principle of equality, including family law, land, property and inheritance rights, and marital rights, and cases where other human rights of minority women and girls, such as the rights to life, health, dignity, education and physical integrity, may have been violated.

48. Within the context of the universal periodic review, all stakeholders, including Member States, non-governmental organizations and the Office of the United Nations High Commissioner for Human Rights, should require specific information relating to the situation of minority women in countries under review and make recommendations aimed at guaranteeing the rights of minority women.

49. A United Nations voluntary fund for minorities should be created to enable minority representatives, to participate in, assist and use the human rights mechanisms of the United Nations system. This fund should ensure that its composition be gender-balanced. The voluntary fund should also provide funding for projects managed by minority groups in general and minority women's groups in particular, aimed at guaranteeing the enjoyment of their rights by minority women, and strengthening their effective participation in all spheres of life.

E. Media

50. Private and public media actors should avoid perpetuating existing misconceptions and stereotypes about minority women and ensure that they conform fully to legislation and guidelines for the media with regard to non-discrimination and the appropriateness of references and language. Media reports should be monitored by independent oversight bodies to ensure compliance with standards, and penalties should be imposed for breach of standards. Media should evaluate and, where necessary, increase the representation of minority women in their staff and in all categories. Efforts should be made to ensure positive representation of minority women in broadcast programming; this includes programme content that portrays minority women positively and raises awareness of the diversity of minority women's perspectives and personal experiences.

IV. THEMATIC RECOMMENDATIONS

A. Minority women and girls and the right to education

51. Access to education for minority girls may pose particular challenges, especially in highly patriarchal family and community structures where gendered societal roles persist. Lack of education represents an absolute barrier to their progress and empowerment in every region of the world. In some cases, where barriers to access are compounded for girls, sometimes owing to the prioritization given to the education of boys, this results in a vicious circle leading to severe educational exclusion and diminished opportunities for girls to take part fully in economic, social, cultural and political life. As a consequence, some minority girls and women excluded from education suffer from high illiteracy levels.

52. To warrant equal opportunity for women belonging to minorities, it is essential that they and their children be offered the opportunity, upon their request, to have access to education in their minority language, without impeding the high level acquisition of the official State language.

53. Ensuring equal access to education for women and girls from minority groups, upon whom poverty and family responsibilities may have a disproportionate impact,

remains a considerable challenge. Internal factors, including cultural practices, early marriage and entrenched patriarchal structures and gender roles that, for example, restrict the free movement of girls and women, are important issues that raise barriers to access to education for girls, and must be addressed. External barriers, such as discrimination against minority girls at school by teachers and pupils, discrimination in textbooks, targeted and mass violence against minority groups, including minority women and girls, sexual violence or fear of violence against minority girls because of stereotypes about them, parents' fear of violence against their daughters on the journey to school in more remote regions, and poor infrastructure should also be taken into consideration.

1. National, regional and local governments

54. Governments should identify the underlying causes that might prevent minority girls from exercising their right to have access to quality education, including extreme poverty; hunger; living in remote areas; cultural issues; early marriage and pregnancy; security issues; lack of adequate water and sanitation and separate bathrooms, in order to address these root causes systematically. Governments should implement specific programmes to tackle the underlying causes.

55. Governments should develop and implement inclusive and targeted education policies that provide access to high-quality learning environments for all women and girls belonging to minorities in their languages. They should develop adult-literacy schemes for minority women who missed out on education. The core principles of equality and non-discrimination should be at the centre of the design of their education systems.

56. Governments should make every effort to identify girls from marginalized communities and systematically support them in ensuring that they begin school at the same age as other children, and subsequently continue to the level that they choose. Awareness-raising schemes should be implemented to inform minority parents about the importance of quality education for their daughters and to encourage them to prioritize education, while discouraging such practices as early marriage.

57. In reforming school curricula, Governments and other relevant stakeholders should pay particular attention to empowering girls belonging to minorities. A good understanding of cultural and religious identity issues will assist Governments and education authorities in designing better educational interventions. Intercultural education approaches that are minority and culturally sensitive and that address gender discrimination should be adopted, with particular attention paid to countering stereotypes and myths with regard to minority women and girls. Educational programmes and learning environments, including non-formal and flexible learning approaches, appropriate for minority girls should be developed in collaboration with minority groups to ensure that they respect their history, culture, religion and language, as well as distinct minority cultures of learning. As well, more

resources should be created to highlight relevant role models and include them in the education curriculum.

58. Governments should monitor school authorities to ensure that they fulfil their obligations with regard to the educational rights of all minority girls.

59. As part of their right to education, minority women and girls should be provided with human rights education as a means of empowering them to claim and defend their rights. Governments should collaborate with minority women and minority rights organizations in the development of material to provide human rights education, including material focusing on minority rights.

60. Governments should make targeted efforts to increase the training and recruitment of women teachers and teaching assistants from minority groups. Training of teachers should include anti-discrimination, gender-sensitivity and intercultural training.

2. National human rights institutions

61. National human rights institutions should play a central role in ensuring the provision of human rights education for all majority and minority communities in accordance with the plan of action of the World Programme for Human Rights Education, which includes information relating to the rights of minority women and girls.

62. National human rights institutions should develop material on the importance of access to education for all, including women and girls, and make sure that such material is tailored to the situation of all minority groups present in their State and available in minority languages.

3. United Nations system and human rights mechanisms

63. United Nations entities should consider including minority rights in general and minority women's rights in particular in all their relevant human rights education programmes, including in human rights training material and other educational tools and resources produced by them. UNICEF in particular should ensure a full inclusion of minority girls in all their education programmes.

B. Effective political participation

64. Minorities often lack adequate representation and participation in national and local bodies responsible for policy, including with regard to economic life, national development and budgeting, and this is particularly the case for minority women. Consequently, the issues and situations of minority women may be neglected or not given the priority that is required to achieve meaningful change. Minority women may face obstacles within their homes and communities that deny them a role in decision-making. In the larger society, they may in turn be denied a say in

decisions of the national polity because they are subject to multiple forms of discrimination owing to their status as women, and as minorities. Ensuring effective political participation for minority women not only ensures their participation in decision-making on issues directly affecting them but also helps to ensure that society as a whole benefits from their contribution and truly reflects its diversity.

1. Governments and parliaments

65. Governments should adopt a policy statement that recognizes the diversity in their respective societies with regard to gender, race, ethnicity, religion and language. They should develop plans and programmes to ensure the effective political participation of all sectors of society. These plans should explicitly require measures to promote the participation of minority women, including the adoption of positive measures to increase their participation, the development of educational programmes and campaigns to promote minority women's political participation, measures to ensure diversity and multiculturalism among public administration staff, and the allocation of sufficient resources to realize identified objectives. Minorities, including minority women, should be fully involved on an informed basis in debates on the design of plans and programmes. The establishment of a specific mechanism or institutional procedure to monitor progress achieved in increasing minority participation, with a specific focus on minority women's participation and their equal and meaningful representation in political life at all levels should be considered.

66. Obstacles preventing the effective political participation of minority women should be identified and addressed through laws, policy and programme measures.

67. Literacy, language or religious or other requirements that unfairly or disproportionately exclude minority women from the right to vote or from standing for elected office at the national, regional or local level should be removed, given that they breach the prohibition of discrimination and result in women belonging to minorities not being able to effectively participate in political life. Governments should develop mechanisms to tackle the root causes of such exclusion.

68. Governments should intensify their efforts to ensure fair and adequate participation of all minority women in political life and public service. They should elaborate innovative initiatives and tailored measures aimed at increasing and strengthening minority women's representation and participation, including, for example, support for women's committees, leadership training initiatives, mentoring programmes, awareness-raising campaigns, networking and the sharing of good practices. Such measures should also aim at ensuring that women who have a role in decision-making bodies are able to play that role effectively, namely, that they know and understand their duties, are not discriminated against or prevented from carrying out those duties because of prejudice, do not face any backlash or violence for taking up those roles and are not given positions as a token gesture.

69. Parliamentary groups and committees of both minorities and minority women should be encouraged and supported, including through experience-sharing and capacity-building.

70. The Inter-Parliamentary Union is encouraged to continue to promote the representation and participation of minority women in parliaments and political life, and to specifically address the challenges facing minority women in this regard.

71. Central Governments should encourage the representation of minority women in local governments and provide them with opportunities to build their leadership skills once they gain seats. Minority women who become community leaders should be supported and promoted to become positive role models in their community and to educate society at large about the issues relevant to its minority groups.

72. Local governments and minority communities themselves should also empower and encourage young women members of minority communities to engage in the political life of their localities.

2. Political parties

73. Political parties should be aware of the diversity of the society and/or communities that they represent and take concrete steps, including adopting a policy statement to recognize the importance of reflecting such diversity. Parties should develop strategies to increase the level of minority women's participation with specific targets, including by ensuring gender-balanced representation within their ranks.

74. Political parties and legislatures can consider adopting quotas or other measures to increase participation of women, including those belonging to minorities. In their efforts to reach out to the minority groups within their constituencies, they should make sure that they are also reaching out to the women in these groups and that they cultivate minority women's engagement. Such efforts should include holding meetings in the regions where minorities live, seeking views of minority women within those groups, promoting them to leadership roles and engaging with minority and women's organizations.

75. Political parties should consider establishing such measures as mentoring programmes through which successful minority women politicians may act as role models. They should identify minority women with potential and encourage them to run for office, raising awareness on minority women's political participation while also reaching out to the majority population to ensure continuous dialogue among all groups in society.

3. National human rights institutions

76. National human rights institutions should consider developing outreach programmes and civic education aimed at increasing the effective political participation of women belonging to minorities.

4. Civil society

77. Civil society should seek to play a role in breaking down the barriers preventing the effective political participation of minority women, including by drawing on different approaches, such as capacity-building and training.

78. Civil society should develop civic education projects targeted at minority and majority communities, highlighting a citizen's rights, roles and responsibilities, and train young women belonging to minorities in the skills of negotiation, communication, advocacy, policymaking and governance.

79. Support should be given to minority women's organizations to elevate their status in decision-making in general and also to increase their participation in traditional decision-making structures that are all too often male-dominated. It is also necessary to involve male leaders in activities undertaken to increase the participation of minority women and develop their leadership skills in order to also help in changing men's perceptions of these women in certain societies.

C. Effective participation in economic, social and cultural life

80. Minority women are often restricted in their access to the labour market or at higher risk of unemployment. Barriers to minority women's access to labour markets include lack of education, lack of awareness of job opportunities, remoteness of the work location, lack of public infrastructure for child care, cultural traditions and gendered societal roles, gender- and minority-based discrimination in hiring, promotion and pay. Many working minority women are involved in low-income earning activities, frequently in the informal sector. In such informal labour markets, women are often excluded from basic labour protection and employed under not only poor but also insecure, difficult, harmful or even dangerous working conditions. The full and effective participation of minority women in economic life is a prerequisite for the achievement of the Millennium Development Goals, especially with regard to Goal 1, target 1 (a), on halving extreme poverty, and target 1 (b), on the achievement of full, productive and decent work for all, and with regard to Goal 3, on the promotion of gender equality.

81. In some societies, minority women experience even more complex burdens of poverty, ethnic, religious or descent-based prejudice and gender-based restrictions that can frequently result in increased challenges relating to the right to an adequate standard of living, including adequate housing. Access to and use and ownership of

land and property are central to women's economic independence, social status and political influence. Existing legislation and practices may, however, disadvantage minority women, while entrenched gender roles leave them highly vulnerable, particularly with regard to ownership of land or property, inheritance rights and access to credit, technology or markets. Displacement as a result of any of a wide range of reasons, such as war, men having been forced to flee or killed in a conflict, increased poverty and climate change may also render minority women more vulnerable to such issues as kidnapping, sexual exploitation, violence and HIV/AIDS.

1. National, regional and local governments

82. Governments should take steps to redress imbalances in the representation and participation of minority women in employment and access to labour markets, economic progress and development. Such measures should be implemented in particular in the fields of employment, credit and other financial services, land tenure and property rights and social security.

83. Minority women frequently find themselves confined to specific low-skill, low-status and low-paid sectors of employment. Governments should therefore allocate resources to expand the employment opportunities available to minority women, including through education, literacy (including in minority languages), vocational training (including skills to run small businesses), credit and market access so that they can realize their economic rights, and both seek and create new forms of employment within and beyond their communities.

84. Governments should lead by example and aim at achieving better representation of minorities, including women, and encourage the recruitment and retention of minority women in public employment, the civil service, law enforcement bodies, social services and other administrative bodies, including in senior positions. Equally, private sector employers should be required by Governments to comply fully with non-discrimination legislation, including on the grounds of ethnicity and gender, and should be encouraged to ensure that minority women have equal opportunities for recruitment and promotion.

85. Governments should take concrete measures aimed at enabling minority women to express their views and to take well-informed decisions, in order to guarantee their effective participation in economic and social policy at the national level and in regional or local economic and social policy decision-making. This could include creating women's committees in areas where minority communities live, conducting sensitization and awareness-raising programmes, as well as developing the skills of minority women so that they become not only economically independent but also leaders. Governments should also involve minority men and leaders in programmes and workshops in order to achieve a change in traditional perceptions and practices and to eradicate discrimination against minority women from within

communities. Sensitization programmes should also be tailored for the majority communities with a view to eradicating existing stereotypes that may make employers reluctant to employ or promote minority women.

86. Governments should ensure that minority women realize their economic rights by developing policies geared to build their capacity and creating new employment opportunities for them as alternatives to traditional gendered occupations. Governments should also guarantee access of minority women working in the informal economy to non-contributory and contributory or insurance-based schemes. Minority women's burdens can also be alleviated by providing sufficient child benefits, which would allow them to secure child care and pursue employment, as well as by making other key social services accessible to minority women in their communities.

87. Governments should implement policies and programmes, including gender-responsive budgeting, in regions where minorities predominantly live and ensure minority inclusion in gender budgets and programmes for women's economic empowerment.

88. Certain measures, including the creation of specific projects for minority women in such areas as training, including in livelihood diversification, and support for business initiatives or quota systems to enhance their participation, could be envisaged to ensure the equal participation of minority women. Programmes for employers to assist them to fight discrimination or to raise cultural awareness, mentoring and positive action in recruitment should be considered.

89. Governments should facilitate minority women's access to microcredit to allow them to establish small business initiatives, and design training programmes on how to effectively use microcredit and run businesses.

90. Minority women may face challenges relating to property rights and barriers to their ownership of land and property and their control of assets in some minority communities owing to certain factors, including traditional and customary practices and inheritance laws that assign property rights to men. This can leave minority women highly vulnerable. Governments should work together with minority communities, their leaders and minority women to eliminate traditional and cultural practices that discriminate against women and create inequalities in such areas as access to land and inheritance rights of minority women. Governments should also ensure that property and inheritance laws safeguard fully the rights of minority women.

91. A review of service provision to minority communities and needs assessment projects should be undertaken in order to reveal priority areas of concern relating to minority women. Governments should establish national programmes that facilitate access for all, including minority women, to basic health and social services without discrimination.

92. Minority women often lack health care and medical treatment owing to economic, social, political and geographical barriers. Minority women may be denied proper health or medical services, fear the consequences of asking for medical assistance, receive improper or low-quality care or live in places where no health services are available. Governments should ensure that health services are suitable as far as possible and accessible to mobile households and to the reality of the different minority groups present in their territory. Practices such as employing female minority health mediators to work closely with minority communities and to help build bridges between minority women and health and social services providers should be considered.

93. The activities of health-care providers, including hospitals, should prevent discriminatory practices against minority women such as the refusal of treatment, isolation in separate wards or conducting medical interventions without their consent.

94. Governments, in collaboration with national human rights institutions and minority and women's rights organizations, should seek to ensure fully the cultural rights of minority women, including through the promotion of intercultural and interreligious dialogue and cooperation at all levels, especially at the local and grass-roots levels.

2. National human rights institutions

95. National human rights institutions should study impediments and recommend legislative and policy reforms and assist in developing programmes to guarantee the implementation of non-discrimination legislation with regard to such areas as minority women's access to education and training, employment, labour rights, social security, financial services and land and property rights.

3. Civil society

96. Civil society actors should consider dedicated initiatives that focus on issues such as promoting minority women's access to training and skills, employment, financial services, social security and land tenure and property rights.

97. Civil-society actors' efforts should be focused on identifying the particular needs of minority women and drawing the attention of relevant Government departments and bodies to them in order to address challenges and discrimination faced by minority women that contribute to poverty and gender inequality in their communities. Particular attention should also be paid to the monitoring of resources allocated to initiatives to build the capacity of minority women and to supporting the role of minority women in participatory budgeting processes at the local level. Efforts should be made to ensure that resources are used to the best effect in reaching the most marginalized minority women.

4. Trade unions

98. Trade unions should explore the situation of minority women and extend membership and institutional, legal and advocacy support to informal economic sectors where minority women are overrepresented. They should inform minority women about their activities in the relevant minority languages and build their capacity to defend their labour rights.

99. Trade unions should also aim to secure minority women's active involvement in union decision-making and in the development and implementation of policies, plans of action and equality initiatives. In their efforts to address the gender pay gap, they should pay particular attention to the situation of minority women, who frequently earn less than the average salary for women.

5. United Nations system and human rights mechanisms

100. Representatives of minority women's groups should be invited by the United Nations and its specialized funds, agencies and programmes to provide information on aspects of economic, social and cultural participation that are priority concerns for them, including in the areas of poverty reduction, employment, social security, financial services, education and training and land rights protection.

101. United Nations human rights mechanisms should urge Governments to ensure the full and effective participation of minority women in all aspects of economic, social and cultural life and to involve representatives of minority women's groups in the preparation of reports to be submitted to international supervisory bodies. To this end, they should seek information from Governments on domestic policies that show the extent to which minority women enjoy and exercise their rights equally and without discrimination, and have access to effective remedies when violations occur.

102. Development agencies should consider the inclusion of a focus on minorities in their projects on women's social and economic empowerment. They should work in collaboration with Governments and civil society to identify barriers to development and to remedy the root causes of multiple and intersecting forms of discrimination faced by minority women that result in their economic and social exclusion.

103. Development agencies should ensure the full and effective participation of minority women in the design, implementation, monitoring and evaluation of all programmes or projects that will affect minorities or the regions in which they live. They should seek the active participation of a minimum number of minority women in civil-society consultations relating to the country strategy development process. To this end, they may consider making information on their activities accessible to minority women by means of proactive outreach to minority women's groups, communities and minority media outlets, holding meetings in regions where minorities predominantly live, and by facilitating attendance of minority women in such gatherings.



ANNEX I

**DECLARATION ON THE RIGHTS
OF PERSONS BELONGING TO
NATIONAL OR ETHNIC, RELIGIOUS
AND LINGUISTIC MINORITIES**

Previous page photo:
Roma woman, Budapest, Hungary. Roma Decade
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ANNEX I

DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Adopted by General Assembly resolution 47/135 of 18 December 1992

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious and linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

4. Persons belonging to minorities have the right to establish and maintain their own associations.

5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in the present Declaration.

Article 8

1. Nothing in the present Declaration shall prevent the fulfillment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfill in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States to ensure the effective enjoyment of the rights set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence.

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UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

