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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Recommendations of the second session of the Forum on Minority Issues on minorities and effective political participation

(12 and 13 November 2009)*

* Late submission.

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 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

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”.

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 non-governmental organizations and across ethnic lines, to share best practices and lessons learned, maximize resources, avoid duplication of projects and develop more effective issue-based coalitions;

(e) Increase minority leaders' effectiveness in government through training, and 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.
