

**FORUM ON MINORITY ISSUES**  
**FIFTH SESSION**  
**27 and 28 November 2012**  
**Room XX, Palais des Nations, Geneva**

**SUMMARY BY THE CHAIRPERSON OF THE FORUM**

**Ms. Soyata Maiga**

**Member of the African Commission on Human and Peoples' Rights**

Pursuant to Human Rights Council resolution 19/23 of 23 March 2012, the Forum on Minority Issues was renewed to continue to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the Independent Expert on minority issues. The Forum identifies and analyzes 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 (hereinafter referred to as “the Declaration”).

The Forum meets annually for two working days allocated to thematic discussions. The Independent Expert on minority issues, Ms. Rita Izsák, is responsible for guiding the work of the Forum, preparing its annual meetings and reporting on its thematic recommendations to the Human Rights Council.

The fifth session of the Forum took place on 27 and 28 November 2012 in Room XX of the Palais des Nations in Geneva, Switzerland. Ms. Soyata Maiga was appointed as Chair of the fifth session of the Forum that focussed on **"Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Identifying positive practices and opportunities"**.

Over 400 participants took part in this fifth session of the Forum, including United Nations Member States and specialized agencies, intergovernmental and regional organizations, human rights treaty bodies, national human rights institutions, academics and experts as well as civil society actors working on minority issues<sup>1</sup>. In addition to this wide range of stakeholders, this session brought together persons belonging to minorities who are actively engaged in minority rights advocacy and diverse areas of work related to the protection and promotion of minority rights as well as those working for or experienced in using national institutions with responsibility for minority issues.

A note by the Independent Expert on minority issues, Ms Rita Izsák, on “implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: identifying positive practices and opportunities” and a set of draft

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<sup>1</sup> The list of the organizations and delegations that participated in the Forum is available on the website of the Forum on Minority Issues: <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session5.aspx>

recommendations had been made available to all Forum participants, and formed the basis for the discussions<sup>2</sup>.

### **Format of the Forum**

The Forum followed the procedure that has been developed over its previous sessions. To help focus the discussions and ensure that they would be highly inter-active, each agenda item was introduced by a few pre-determined presentations, most of which by minority representatives, before the Forum would hear interventions from participants, based on a sign-up sheet.

### **Outcome documents**

The present document is prepared in accordance with Human Rights Council resolution 19/23 which requests the Chair to prepare “a summary of the discussion of the Forum, to be made available to all participants of the Forum”. This summary is to be complemented by the outcome document containing the recommendations from the Forum presented by the Independent Expert on minority issues to the Human Rights Council at its 22<sup>nd</sup> Regular Session in March 2013.

This summary does not provide the details of all presentations that were made during the Forum’s proceedings. The consolidated list of speakers and, where available, the full text of their presentations can be found on the Forum’s website at the following address: <http://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session5.aspx>

### **Item I. Opening meeting**

**The Secretary-General, Mr Ban Ki-moon**, addressed the Forum through a video-message in which he indicated that this session, marking the 20<sup>th</sup> anniversary of the Declaration, was an opportunity to review its impact on national legislation, policy and practices and to reaffirm everyone’s commitment to this cause. He stressed that many challenges remain and that, at this time of economic distress, minorities often bear the brunt of societal tensions. He emphasized the crucial role played by the United Nations in minority protection while reaffirming his strong commitment to ensuring that minority issues are reflected in the work of the Organization through such measures as the recent establishment of the United Nations Network on Racial Discrimination and the Protection of Minorities, coordinated by the Office of the High Commissioner for Human Rights. The Secretary-General underlined that this Forum, together with the mandate of the Independent Expert on minority issues, are key actors, including as platforms for dialogue on implementation of the Declaration.

**The President of the Human Rights Council, H.E. Laura Dupuy Lasserre**, stressed that the Human Rights Council had recognized the importance of consistently addressing minority issues including by creating such strong mechanisms as the mandate of the Independent Expert on minority issues and the Forum on Minority Issues. She underlined

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<sup>2</sup> See A/HRC/FMI/2012/2 and A/HRC/FMI/2012/3 available on the Forum’s website.

that the Forum had established itself as the foremost international platform for dialogue among all stakeholders on the promotion and protection of the rights of minorities, as required by Council resolutions 6/15 and 19/23. She reiterated that the Council has benefited from the comprehensive recommendations from previous sessions of the Forum and commended the Forum for the publication of its compilation of recommendations from previous sessions as an indispensable tool for wider dissemination. While recognizing that in many countries the influence of the Declaration can be noticed in diverse ways, she pointed to the remaining work required from all stakeholders for the promises contained in the Declaration to become a reality for all. She encouraged all participants to engage in a constructive dialogue in seeking practical solutions to improve the situation of minorities everywhere.

**The United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay**, underlined that the unanimous adoption of the Declaration in 1992 signaled the commitment of Member States to reinforce their efforts to protect minorities and to ensure that discrimination against them is combatted decisively, their cultures and identities protected, and their effective participation ensured in practice. She indicated that implementation of human rights standards must actively engage all national actors in a process of positive reform stressing that, when seen as an opportunity, implementation of human rights can be a means of bringing different stakeholders, including minority groups, together to work towards common goals of equality and non-discrimination. A national process of implementing minority rights should be framed as a transformative opportunity to help strengthen understanding between communities, establish trust, identify root causes of problems as well as sustainable solutions, and build much needed bridges of inter-ethnic and inter-faith dialogue and cooperation. Pointing to the crucial role played by the international community in the protection of minority rights, she welcomed the addition of the Network on Racial Discrimination and the Protection of Minorities, coordinated by OHCHR, to the two existing strong and complementary mechanisms for promoting minority rights within the UN system – the Independent Expert on minority issues and the Forum.

**The Independent Expert on minority issues, Ms Rita Izsák**, first underlined that the Declaration's 20<sup>th</sup> anniversary presented an opportunity to reinforce the messages and principles therein and to remind Member States and other stakeholders that its implementation is as important today as ever. She stressed that the rights and security of religious minorities is currently of particular concern in all regions as attacks on individuals, communities and their places of worship have increased. In other cases the challenges and discrimination faced by minorities are not in the form of violence, but rather in the shape of institutional discrimination or structural and administrative barriers to the enjoyment of their rights, the use of their language or the practice of their religion. She pointed to some long-standing and entrenched issues that continue to evade progress and that minority women and girls continue to face unique challenges and multiple forms of discrimination. Referring to her latest report to the General Assembly, she reemphasized her belief that the positive requirements for the protection of minority rights contained in the Declaration are best achieved through a national institutional and policy framework incorporating targeted attention to minorities.

**The Chair of the fifth session of the Forum on Minority Issues, Ms. Soyata Maiga,** first reminded all participants that the Forum provides a unique venue for dialogue, exchange of experiences and constructive cooperation in bolstering minority rights and promoting implementation of the Declaration. She underlined that the Forum has now established itself as a unique opportunity for all stakeholders to share experiences and promote good practices with regard to the rights of persons belonging to minorities. Stressing that the Declaration's anniversary offered an opportunity to celebrate the positive results since its adoption, she encouraged all regional inter-governmental human rights mechanisms to multiply their efforts with a view to ensure heightened attention to minority issues, including through awareness-raising campaigns, promotion of the Declaration and mainstreaming of minority issues in their activities and programmes.

The Chair also explained the format of the discussions and underlined that all interventions should be focused on the draft recommendations and the identification of challenges and problems facing minorities and States, good practices and the consideration of opportunities, initiatives and solutions. She encouraged all participants to show respect for others' views while inviting them to exercise decorum. She further underlined that, given that the principal nature of the Forum is to be a platform for dialogue, the organisers would not seek to negotiate or adopt the final content of the recommendations, rather all contributions would be collected and considered in details and the final thematic recommendations presented to the Human Rights Council at its 22<sup>nd</sup> Regular Session in March 2013.

**Item II. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: 20 years on**

*Under this agenda item, minority rights experts, including those involved in drafting the Declaration, reflected upon this key document and how it has lived up to the expectations since its adoption. Issues for consideration included the global situation of minorities, progress made, remaining and new challenges and the role of the Declaration in addressing them.*

**Mr Patrick Thornberry, member of the Committee on the Elimination of Racial Discrimination (CERD), presented on “Some controversies in the Drafting of the Declaration: A Personal Recollection”.** He recalled the background to the Declaration, commented on the drafting process, reflected on where the Declaration stands twenty years on and illustrated how concepts in the Declaration have been utilised by CERD under the Convention on the Elimination of Racial Discrimination.

**Mr Asbjorn Eide, former Chairman of the United Nations Working Group on Minorities, presented on “The Declaration and its Commentary”.** He gave a brief overview of the origin, context and process underlying the adoption of the Declaration followed by a few words on the points highlighted in the Commentary thereto. He underlined that, while the Declaration uses the expression “rights of persons belonging to minorities”, the Commentary emphasised that many of these rights can only be enjoyed if they are exercised in community with other persons belonging to the same minority. He further underlined that a closer look at the text demonstrated that the duties of States set out in the Declaration are at least in part formulated as duties towards minorities as

collective groups. Mr Thornberry also provided comments on the significance of the Declaration and on education for multiculturalism and interculturalism, stressing that the Declaration requires both acceptance of multiculturalism—the coexistence within states of separate cultures—and interculturalism: a close interaction between the different cultures based on reciprocal respect and joint promotion of equality in the common domain.

**Ms. Gay McDougall, former Independent Expert on minority issues, presented on “*The First Mandate: Experiences and Lessons Learned*”.** She gave an overview of the mandate and the activities that she carried out during her six years as mandate-holder to address the four areas of concern that she had identified relating to minorities around the world i.e. protecting a minority’s existence, protecting and promoting cultural and social identity, ensuring effective non-discrimination and equality and ensuring effective participation of minorities in public life, especially with regard to decisions affecting them. She also commented on her role in guiding the work of the Forum’s first three sessions, describing the Forum as perhaps the most innovative approach to using and seeking implementation of the Declaration. As a conclusion, she listed the ways in which the potential of the mandate of the Independent Expert on minority issues might be maximised in the future and gave a few recommendations aimed at further strengthening and institutionalising the Forum while retaining its openness.

### ***Discussion***

The following issues were raised during the discussion under Item II:

- The fact that States are becoming more multicultural, including due to immigration;
- The increasing number of persons who do not have citizenship in European countries;
- The need for economic, social and cultural rights of minorities to be upheld;
- The fact that minority activism is considered as a security threat in certain States;
- The importance of access to justice and respect for due process and fair trial standards;
- The multiple forms of discrimination faced by certain minority women and girls and the importance of paying particular attention to their situation;
- The need for dialogue and mutual respect as vital elements to dispel stereotypes and mistrust, and to foster a culture of tolerance;
- The need for the Declaration to be injected back into the European discourse;
- Given the serious economic crises experienced by many States, the need to address the tendency to see minorities as being part of the problem rather than part of the solution;
- The importance of using the public media to inform about minority rights and protection, but equally of educating media actors about minority rights;
- The need to look into possible avenues to integrate minority rights more effectively in the work of the Human Rights Council and its mechanisms;
- The importance of respecting the principle of self-identification of persons belonging to national or ethnic, religious and linguistic minorities;
- Respect for minority rights as an important aspect in reducing the risks of inter-ethnic conflict;
- The need for greater focus on the rights of religious minorities in various regions of the world.

### **Item III. Perspectives from young minority rights advocates on the Declaration**

*Under this agenda item, young minority rights advocates shared their views on what the Declaration means to them and their lives in diverse and multicultural societies. They discussed whether the Declaration is still relevant and meaningful to their context, as well as creative ideas to help raising awareness of the Declaration and ensure its implementation in their own societies and globally.*

**Mr Issa Al-Hewetat, presented on “*Minorities and the right to education*”** calling on all States to translate the principles of the Declaration into realistic and concrete actions and promote them widely, including by: incorporating minority rights in the curriculum, developing educational human rights material and programmes with a focus on minority issues, organising awareness-raising campaigns, giving space to minorities to learn, teach and communicate in their mother tongue and establishing special centres for literacy and adult education, especially in remote areas.

**Ms. Mabruka Sebit and Ms. Rasha Qass, presented on “*Minorities and Effective Political Participation*”** calling upon participants to find new and effective ways to implement the Declaration, and underlining the need to pay specific attention to the situation of young minority women. Stressing that the Declaration would need more visibility, they recommended *inter alia* that all stakeholders should address this by preparing specific tools, including simplified versions of the Declaration in minority languages, that social media should be used more widely to increase knowledge of the Declaration and awareness of minority rights among the youth and the opening of resource centres to reach out to both the minority and majority population. With a view to strengthen the effective political participation of minorities, they called on Governments to develop tools to promote the inclusion of minority youth in political decision-making.

**Mr Iurie Caldarari and Ms. Kandya Gissela Obezo Casseres, presented on “*Minorities and Effective Participation in Economic Life*”** first highlighting that, despite existing legal standards, disadvantaged minority groups in all regions still face discrimination and disproportionate levels of poverty. They indicated that people of African descent in Latin America still suffer from racism, discrimination and social exclusion, despite special measures developed in some countries. They pointed to the need for increased investment to improve access to quality education for minority empowerment. With a view to strengthen attention to the effective participation of minorities in economic life, they provided the Forum with a few recommendations, including: for all interested parties to invest more in training young people belonging to minorities by funding regional networks as well as innovative initiatives to promote economic participation, and the need for Government to prioritize the development of sustainable work plans to improve access to micro-credits supporting small and medium companies ran by minorities. They finally advocated for the use of social networks to raise awareness of the Declaration.

**Mr Ira Beldjebel and Mr Jugal Kishore Ranajit, presented on the “Rights of Religious Minorities”** first underlining the remaining challenges before they proceeded with their recommendations that included to call on Governments to guarantee the right to change one’s religion or belief, to abolish discriminatory provisions related to religious affiliations in constitutions and national legislation, to adopt laws addressing incitement to religious hatred and violence and to promote inter-faith dialogue bringing together youth belonging to minorities and the majority. They further invited young minority rights advocates to create a Forum for inter-faith dialogue, put creative ideas into action, such as summer/training camps for minority and majority youth, and the use of social media network to spread tolerance while raising awareness of the Declaration.

#### **Item IV. Practical use of the Declaration: identification of good practices and positive measures**

*Under this agenda item, the discussion focused on national laws, policies and practices that have been developed to foster the rights of persons belonging to minorities, and their impact on the full enjoyment of their rights by minorities. Successful awareness-raising activities and projects developed by various stakeholders were presented. Governments were invited to describe their political, economic, social and cultural policies designed to support and promote equal rights and opportunities for persons belonging to minorities. Minorities discussed the role that they can and should play in raising awareness of the Declaration and in ensuring its implementation at different levels. They also shared their positive grass-roots experiences as individuals and members of a minority group.*

**Mr Antti Korkeakivi, Chief of the Indigenous Peoples and Minorities Section at the OHCHR provided an “Overview of activities conducted to mark the 20<sup>th</sup> anniversary of the Declaration on Minority Rights by the Office of the High Commissioner for Human Rights and way forward”** which included Geneva-based initiatives as well as four regional anniversary activities, namely in Vienna, Bangkok, Bishkek and Doha, focusing on some of the most urgent and topical minority rights’ themes, including the situation of religious minorities, advancing the participation of minorities in poverty reduction and development strategies and how to reflect diversity in the process of constitutional reforms, while further exploring ways to use the principles of the Declaration to address them.

**Ms. Lotta Sylwander, Representative of UNICEF in Viet Nam, presented on “UNICEF’s Ethnic Minority Strategy and Mother Tongue Bilingual Education programme”.** Following on a brief overview of the situation of minorities in the country, she indicated that opportunities to benefit from the fast socio-economic development had not been equally distributed among different ethnic groups so far. On education, she underlined that while Viet Nam had made significant strides, substantial disparities persisted between the majority and ethnic minorities for various reasons, including the fact that ethnic minority children do not have or have very limited access to education in their mother tongues. To address this, since 2008, UNICEF has been supporting the Ministry of Education and Training to implement the mother tongue-based bilingual education programme through Action Research in three provinces with three different ethnic minorities. Curricula and materials have been developed in local languages based

on the national curriculum and regular training has been carried out for teachers and education managers in this approach. This initiative has showed very positive results and stakeholders were looking at possibilities to expand the programme to other regions.

**Mr Alexey Kozhemyakov, Head of the National Minorities and Antidiscrimination Department of the Council of Europe, presented on “*The work of the Advisory Committee on the Framework Convention for the Protection of National Minorities*”.** He first stressed that this session was important for two different reasons for the Advisory Committee: first because the Declaration had been a useful model for the drafters of the Framework Convention for the Protection of National Minorities and second because the protection of minorities is one of the pillars of the Council of Europe. Following a brief overview of the work of the Advisory Committee, he indicated that an important aspect of its mandate was to draw more general conclusions from its country monitoring and compile them into thematic considerations of issues of particular relevance for persons belonging to national minorities. Introducing the Committee’s most recent commentary focused on linguistic rights of persons belonging to national minorities which was adopted in May 2012, he finally stressed that the main challenge for international institutions is to secure the achievements in their field and ensure that the established standards are maintained.

**Mr Heiner Bielefeldt, Special Rapporteur on Freedom of Religion or Belief, presented on “*The Rights of Religious Minorities*”** highlighting that increasing attention is being paid to religious minorities within the minority rights discussion and that the same can also be said from the opposite angle. This had led him to devote his next thematic report to the Human Rights Council to the situation of religious minorities and their freedom of religion or belief. The report would address abuses in various regions of the world, perpetrated by States or non-States actors, and quite often a combination of both, in particular human rights violations perpetrated by non-State actors often in a climate of impunity which he identified as one of the main challenges. Given the number and gravity of human rights violations, he emphasized the need for a concerted action to safeguard the rights of persons belonging to religious minorities, stressing that their rights should consistently be interpreted from a human rights perspective, that the term “religious minority” should be broadly construed to cover also internal minorities and that special attention should be given to women belonging to religious minorities. Among his recommendations, he underlined the need for infrastructural efforts for religious minorities to be able to build up a suitable infrastructure and the importance of promoting inter-religious communication.

### ***Discussion***

The following issues were raised during the first segment of the discussion under Item IV:

- The importance of the legal framework, including of a strong Constitution providing for the legal basis for promoting and protecting fundamental human rights and freedoms, including minority rights;
- The need to incorporate all legally binding international human rights instruments into domestic laws;



- The need for anti-discrimination legislation and for effective implementation of laws and policies relevant to minorities as well as international human rights instruments;
- The importance of recognition of minority groups within a society and of respecting the principle of self-identification;
- The importance of ensuring the effective political participation of minorities at all levels, including in Parliament and in the Executive Branch;
- The need to ensure the active participation and meaningful consultation of minorities in the decisions affecting them as a prerequisite for the improvement of their status;
- The role of structures such as advisory bodies, established to ensure that persons belonging to minorities play a full and equal part in their society and contribute towards eradicating discrimination against them while ensuring extensive dialogue;
- The importance of ensuring full respect for the rights of freedom of assembly and association;
- The central role played by education in guaranteeing the rights of minorities and the advantages of inter-cultural learning systems;
- The need to establish teachers' training mechanisms;
- Examples of existing measures to improve access to employment for minorities in the Public Sector;
- The advantages offered by the establishment of Youth Councils, with the participation and active involvement of young people belonging to minorities;
- The need for support, including financial, from States for associations and organisations working to promote and protect minority rights;
- The need for public media to broadcast in all of the national languages in a State;
- The advantages of developing radio and TV programmes reflecting the minority groups in a State and in minority languages, and positive reference to minority groups, their customs and traditions in all media;
- The need for States to extend an invitation to relevant Special Procedures and for them to visit and report on the situation of minorities;
- The importance of promoting inter-cultural dialogues;
- The importance of a strong civil society, including organisations focusing on minority issues, to play a monitoring role, helping to ensure accountability.

**Ms. Ilze Brands Kehris, Director of the Office of the OSCE High Commissioner on National Minorities, presented on “*The work of the HCNM to implement the Declaration in practice*”.** She stressed that it is the situation in real life that points to the continued need for the stepping up of the protection of minorities and their rights, which requires voicing recommitment and a firm engagement with the next level: identifying ways to move from implementation rhetoric to implementation in practice. She indicated that it is ultimately national governments that are responsible for ensuring compliance as a minimum, and good practice standards as a matter of wise policy. Emphasising that the principles of the Declaration and the increasingly detailed content of other human rights instruments, combined with guides, recommendations and toolkits, provide a practical way to enhance implementation, she stressed that such implementation will only be successful, however, if there is sufficient level of information regarding minority rights and the duties that go with them for all stakeholders. That States are primary actors entails that they not only have the obligation to ensure that a framework and mechanisms are in place for effective protection of these rights, but also that awareness and knowledge of this is proactively promoted throughout society and its institutions. She reminded participants that the UN and regional organisations such as the OSCE HCNM

can support this process through expertise and dialogue, including in settings such as the Forum on Minority Issues.

**Ms. Lydia Saleshando, from the University of Botswana, presented on “*National reforms on minority issues in Botswana: Implementing the Declaration*”.** She first informed participants that the discrimination enshrined in laws in Botswana has led to minority-dominated areas to be poverty stricken and characterized by under achievement of children in schools, thus creating poverty circles in many families. She however noted efforts and achievements that the Government had made in the promotion of the principles enshrined in the Declaration, pointing out that engagement with Government has been possible in a few instances and minority issues have been raised in Parliament. On the other hand, she noted that education of minority children in a second or third language continues to contribute to high failure rates in minority dominated areas. Relocation of citizens from their ancestral land and destruction of their property by Land Boards is a common act for many years and equality before the law continues to be a concern. In this regard, she noted that knowledge of the Declaration at the national level remained low. Following a series of recommendations that included for the African Commission on Human and Peoples’ Rights and African Governments to collaborate with NGOs to publicise the Declaration at national and community levels, she concluded by stressing that continued engagement with Governments on minority issues, by the international community and at local level, is likely to create an enabling environment for the implementation of the Declaration in Botswana and elsewhere.

**Ms. Anna Rothery Fox, a member of the Liverpool city Council, presented on “*Liverpool—A case study on minorities and effective political participation*”** first highlighting the city’s unique culture as a direct outcome of its diverse communities and the fact that diversity is not about quantity but about the breadth of differences and how the society values and respects these differences. She gave a few examples of good practices that demonstrated commitment, including the launching by the Liverpool Fairness Commission in July 2012 of the Liverpool Fairness Charter, the Minimum Standards Charter: a Voluntary Code of Practice on Employing Migrant and European Workers, as well as engagement, such as the Community Cohesion Team working across the city to improve relations between the different ethnic communities. She mentioned other examples of positive partnerships including the New Communities Forum where best practices are shared and that represents an opportunity for networking and gathering views from a wide range of communities. In terms of education, she presented a few examples of measures that have been implemented such as an educational programme that uses creative resources to tackle issues around violence and the Ethnic Minority and Traveller Achievement Service that makes a difference to children from Black and Racial minority groups.

**Ms. Belma Podrug, Executive Director of the Global Gathering Place, in Western Canada, presented on “*Minority Issues on the Rise: A Canadian Prairie Perspective*”,** indicating that, although the ideals and principles of the Declaration were still not well known to many minorities, these principles formed the overarching basis of the organisation’s programming and activities. She pointed to the importance of making sure that minorities were consulted in the development of programmes and that their concerns formed the basis of the design of such programmes. She also underlined the importance of translating the existing legal framework into a reality on the ground, which was still a challenge for many minority groups. As a positive example, she mentioned encouraging practices within the Saskatoon’s Police forces where police officers were now required to take cultural diversity training in order to increase their sensitivity to the needs of all Canadians. This was also supported through a conscious effort by the Police to recruit cultural minorities. She also mentioned the importance of supporting national human rights institutions and ensuring that they receive adequate funding to process complaints in a reasonable time as well as the crucial role to be played by a well-established network of non-governmental organisations in the promotion and protection of minority rights.

**Mr Carl Soderbergh, Director of Policy and Communications with Minority Rights Group International, presented on a “*Compilation of Good practices in relation to the implementation of the Declaration*”,** indicating that the Declaration is central to the work of MRG for at least three reasons: it provides essential guidance to the contents of Article 27 of the ICCPR on which it elaborates, its brevity makes it accessible for use by grassroots minority rights activists and the fact that the Declaration was adopted by consensus by the General Assembly gives it a particular scope. He gave a few practical examples of how the Declaration has been used by MRG, including in virtually all capacity-building training work with minority rights activists and through the translation and wide dissemination of the document into numerous languages. He also listed a few examples of how MRG’s partner organisations are using the Declaration in their work, as reported in the publication that was launched by MRG as part of its celebration of the 20<sup>th</sup> anniversary of the Declaration and entitled “*Know Your Rights: a Community Guide to the UN Declaration on Minorities*”. Drawing from such examples, he stressed that a few key lessons concerning civil society advocacy based on the Declaration included the importance of introducing minority communities to its principles, the value of translation and dissemination and how central training has been, as well as the usefulness of packaging the Declaration in various ways, depending on the audience, and how critical the choice of target audiences can be.

### ***Discussion***

The following issues were raised during the second segment of the discussion under Item IV:

- The importance of data gathering, including on existing minority languages;
- The advantages of developing a comprehensive national action plan;
- The need to ensure the effective participation of minorities in decision-making processes as a key element for their protection;
- The importance of constitution drafting process;
- The need to adopt laws and regulations to strengthen the protection of minorities;
- The importance of ensuring access to justice for all;

- The central role to be played by national human rights institutions in promoting minority rights, including through the mainstreaming of minority issues in human rights education outreach;
- The crucial role played by the education system, incorporating minority sensitive intercultural education, in shaping attitudes towards a more pluralistic society and in addressing stereotypes and social exclusion;
- The need to ensure access to education in minority languages;
- The need to ensure that persons belonging to minorities are aware of their rights and receive the support that they need to be able to exercise them;
- The need to develop programmes to promote multiculturalism, support integration of newcomers and foster social cohesion as well as initiatives that foster intercultural and interfaith understanding, promote active citizenship, and instil civic memory and pride;
- The possibility to create a nationwide interfaith network to serve as a forum for promoting inter-religious discussion.

#### **Item V. Challenges and problems encountered in the practical implementation of the Declaration**

*This session focused on existing challenges and problems that have been encountered and persist in implementing the Declaration in practice, and by different stakeholders at all levels.*

**Ms. Leydi Pérez Venté, advocate from the Universidad Santiago de Cali in Colombia, presented on the “Reality of ethnic rights in Afro black people facing the Declaration on the rights of minorities, 20 years later”.** She first indicated that the broad legal framework does not translate into minority rights protection on the ground, in particular in relation to the situation of Afro-Colombians who continue to face racism and discrimination, as well as difficulties in access to education and employment, both in public bodies and in the private sector. She underlined the existing challenges faced by some minority communities in relation to the exploitation of natural resources such as precious metals, including in relation to its impact on the environment. She concluded with a few recommendations, including to disseminate the Declaration in regions where ethnic minorities live through ethnic education and Afro-Colombian Studies as a mechanism for reducing racial discrimination, to encourage and support strategies that promote the participation of young minority women and children, to enable inclusion and generational change in political spaces and decision making as a strategy for ensuring social inclusion and, finally, to adopt a public policy of access to employment for ethnic minorities.

**Mr Melakou Tegegn, Executive Director of the Panos Eastern Africa’s Regional Office, presented on “Minorities and the African Context”** underlining that there is a serious lack of awareness of the Declaration in most African States, pointing to the need for a shift in orientation of Governments to include a minority-rights based approach that is currently lacking for various reasons, and finally the need to strengthen civil society and give them more space to advocate for minority rights and raise awareness of minority issues within society.

**Ms. Carla Amina Baghajati, from the Official Islamic Religious Authority of Austria presented on “Raising awareness for minority rights—How to pave the way from a regulatory framework to broad public support (with special attention to the situation of Muslims in Austria/Europe)”** first indicating that she had failed to come across a quotation from the Declaration in all of the public debates on the challenges faced by Muslims in Europe. According to her, challenges include that Europe has no tradition of religious pluralism, that minority rights are often linked with carrying the citizenship, that anti-religious attitudes gain more influence in European discourses and that anti-discrimination laws lack moral authority in broader public. She emphasised however that these challenges should help in showing the Declaration’s visionary potential and opportunities for action. Examples of future actions to tackle those, and based on the implementation of the Declaration, would include to be reflecting the status of religious minorities in national law, to recognise freedom of religion as a cornerstone of human rights and for anti-discrimination laws to be regarded as a human rights issue and a powerful instrument to foster social cohesion.

**Mr Jafar Al-Shayeb, a writer and advocate from Saudi Arabia, presented on “Challenges facing implementation of the Declaration: Regional Perspectives from the Middle East”.** He first deplored that many States in the region still failed to recognise the existence of minorities and that very little progress had been made in implementing the Declaration on the official and popular fronts. He pointed out that the challenges could be divided into four categories i.e. political, such as absence of institutionalised state agencies dealing with minority issues, legal, such as the lack of integration of international treaties into domestic laws, cultural, including the very little interchange between different social groups, especially minorities, and finally challenges with regards to local organisations and communities. He concluded with a few examples of good practices, including the creation by young people of a Facebook page to track all hatred speeches and acts against minorities.

### ***Discussion***

The following issues were raised during the first segment of the discussion under Item V:

- The need for more preventive measures and for greater accountability in case of violations of minority rights;
- The importance of data gathering to assess the impact of projects and policies targeting minorities, reveal their socio-economic situation with a view to design sound policies and develop sustainable interventions;
- The situation of religious minorities and the discrimination that they face in certain States;
- The importance of promoting an effective inter-religious dialogue;
- The low level of participation of some minority groups in certain States and the obstacles that they might face in this regard;
- The importance of protecting the culture and cultural heritage of minority groups, including by ensuring a harmonious relationship between communities and the environment in the design and implementation of sustainable development projects;
- The difficulties in implementing the Declaration in view of its non-binding nature and the need for sharing of best practices in jurisprudence that demonstrate how the Declaration has been referred to and implemented in practical terms;

- The importance of having plans and policies to ensure implementation of existing anti-discrimination legislation;
- The need for reforming or repealing de jure or de facto discriminatory laws and regulations, policies and programmes;
- The importance of translating and disseminating the Declaration and other international human rights documents and ensure that such translations are made easily accessible to minorities;
- The central role to be played by national human rights institutions and regional bodies in awareness-raising activities including by conducting training programmes on the Declaration with specific focus on minorities;
- The need for Governments to mainstream minority issues in development plans and policies, using the Declaration as a guide.

**Mr Martin Chungong, Deputy Secretary-General of the Inter-Parliamentary Union (IPU), presented on “Challenges faced by the IPU in its efforts aimed at implementing the Declaration”** stressing that the fundamental problem is the on-going political marginalisation of minorities. The natural approach for IPU to address the status of minorities in political life is to look at parliament, as the institution that makes laws, therefore with a primary role and responsibility in the implementation of the Declaration. The dual approach is to look at descriptive representation in parliament as well as looking at substantive representation of minorities. The IPU investigated both aspects as part of a joint project with UNDP from 2008 to 2011 and the findings were rarely encouraging. Significant obstacles were encountered in collecting empirical data on the number of parliamentarians from minority groups, in some instances because parliaments were either unwilling or unable to provide the data, but also in some situations because some parliaments declined to answer requests for information, considering the issue to be too politically sensitive. He underlined that the overall picture that emerged was one where minorities tended to be marginalised in parliament in terms of their substantive representation. To address the situation he pointed to the following avenues for solutions: as a precondition for minority groups to increase their relative political strength in society which requires participation, leadership and a willingness to engage with other political forces, then international pressure can support the efforts of minority groups and finally, as marginalisation decreases and minority groups gradually become a political force, the question of the establishment of alliances, coalitions and other strategic partnerships with existing political parties arises.

**Ms. Zola Kondur, vice-president of the International Charitable organization “Roma Women Fund “Chiricli”, presented on “The Challenges faced by the Roma communities in effective participation in cultural, religious, social, economic and public life”.** The main challenges that she identified related to the lack of awareness of the Declaration and the ensuing need for all stakeholders to promote the Declaration and advocating for the rights enshrined therein, the need to increase access to education by addressing for instance language barriers, the fact that many Roma communities in Ukraine live in conditions of extreme poverty with little access to basic social or medical services and finally that some print and electronic media contribute to and reinforce anti-Romani racist stereotypes. She stressed that the required changes in attitudes to address such challenges can be brought about through formal and informal education.

**Mr Jakob Finci presented on “Implementation of ECfHR Grand Chamber Judgment dated 22 December 2009 in the Case of Sejdic&Finci v Bosnia and Herzegovina”.** He first gave a brief overview of the conflict that ended in 1995 with the signing of the Dayton Peace Accord, which contained a Constitution in Annex, according to which people falling in the category of “others” who did not belong to the three constituent people could not become a candidate for seat in the House of People. This situation led him and Mr Sejdic, a Roma, to take the case to the European Court that ruled in their favour, stating that all citizens of Bosnia and Herzegovina regardless of ethnicity, religion or place of living should be equally allowed to run for all positions in Government. This was the first decision in the European Court concerning Protocol 12 which is very important especially for minorities. Since then, Mr Sejdic and Mr Finci have been fighting for the implementation of the decision which is rather challenging because, while there is no political party opposing this decision, the issue is instead that ten parliamentary parties cannot agree on how the decision should be implemented in practice.

**Ms. Punam Sijapati, District Program Coordinator at Feminist Dalit Organization, presented on the “Challenges faced by Dalit women in Nepal”** first drawing a picture of the current situation in terms of persisting discrimination against the Dalits. In order to ensure effective implementation of the Declaration, she suggested that there was a need for stronger political will and commitment, both in amending out-dated and discriminatory laws and implementing agreed provisions for the Dalits. Other ways to ensure implementation included the inclusion of a clear definition of minorities in the new Constitution, ensure proportional representation for Dalits, including women, in the public and private sectors, campaign to eliminate discriminatory laws, regulations, directives, policies and norms based on caste, traditional professions, ethnicity and descent and the adoption of administrative, legal and institutional measures for effective implementation of all international and national obligations, policies, programmes and agreements to promote and protect the rights of Dalits.

### ***Discussion***

The following issues were raised during the second segment of the discussion under Item V:

- The need for recognition of minorities within a State as a very first step for ensuring the implementation of the Declaration;
- The need for strengthening social inclusion based on disaggregated data;
- The status of the Declaration and the fact that it is adhered to only if there is political willingness;
- The lack of awareness of the existence of the Declaration as one of the main challenges;
- The non-existence or the existence of weak civil society organisations;
- The need to recognise that discrimination is not only a minority-majority issue but there are also problems between different minority groups;
- The need to incorporate the issue of anti-terrorism laws in the discussions of the Forum;
- The need for Special Procedures mandate-holders to ensure that they meet and consult with minority organisations and minority human rights defenders during country visits;
- The need to create mediation mechanisms between States and minority organisations and associations within the framework of the rights contained in the Declaration;

- The need to seek peaceful ways of resolution of conflicts, respecting the rights of minorities;
- The importance of inclusion of the articles of the Declaration in national legislation and for legislative framework to be implemented in practice and access to justice ensured;
- The need to initiate public discussions on minorities and conduct awareness-raising activities on minority issues;
- The importance of ensuring effective political participation for minorities;
- The impact of the current economic crisis on the protection of minorities;
- That minorities continue to be amongst the groups most affected by xenophobic trends, including the discussions involving incitement to hatred by extremist movements;
- The need for existing framework to be the subject of continuous monitoring, assessment and change where necessary, and in close cooperation with the groups affected.

**Item VI— Consideration of future opportunities, initiatives and further possibilities for raising awareness of the Declaration, and ensuring its practical implementation**

*Under this agenda item, the discussion focused on improving the draft recommendations. The objective was to formulate practical policies, actions or programmes to ensure better, more systematic implementation of the Declaration and the principles therein, in addition to ensuring its widespread dissemination.*

**International Chief Littlechild, Chair of the Expert Mechanism on the Rights of Indigenous Peoples, presented on “*Good practices in the work of the Expert Mechanism*”** and first underlined that, despite the differences in the applicable legal framework, the political circumstances of many indigenous peoples, and especially States’ failures to recognise them as such, had led some indigenous peoples to continue to use the Declaration and other minority rights instruments to seek the protection of their rights. He pointed to the similarities in terms of rights and claims of persons belonging to minorities and indigenous peoples, including in relation to education, participation in decision-making, cultures and languages as well as access to justice. He expressed the hope that the Expert Mechanism’s studies and guidance would provide support to the work of the Forum on implementation of the Declaration before he gave practical examples from the work of the Expert Mechanism that could be replicated by the Forum in its efforts in finalising the draft recommendations and aimed at ensuring their implementation in practice.

**Ms. Dwi Rubiyanti Kholifah, Director of Asian Muslim Action Network Indonesia, presented on “*Confronting Fundamentalism, Raising Awareness on Minority Rights in Indonesia*”** based on her experience working with an NGO promoting inter-faith dialogue and the role of women in peace-building. She pointed to the following four areas requiring changes for awareness-raising activities to have a positive impact in practice: first, the need for individual change among more people i.e. more women, men and young people from different background to understand human rights instruments at all levels; second, the need to intervene to achieve individual change among key people such as decision-makers, religious leaders, school teachers; third, the need for individual change to be transferred into cultural change, where strong civil society, including



minority organisations should take active roles in development planning, implementation and evaluation, and finally, structural change needs strong commitment by policy-makers to produce peace-sensitive policy, but also equal partnership with civil society organisations and a clear National Action Plan providing for implementation of the Declaration.

**Ms. Atidal Sliman, Project Manager at Ma'an Forum of Arab-Bedouin Women's Organizations in the Negev, presented on "Awareness-raising to cultural, social, economic and political rights among Arab Bedouin minority women, men and children in the unrecognised villages".** She first highlighted the lack of awareness of minority rights in the context of the unrecognised villages in the Negev and explained the role of her organisation to create a meaningful change in society by enhancing social justice. She gave a brief overview of their projects and activities based on the Declaration, which include the setting up of a legal advocacy support centre providing free legal counselling and representation, awareness-raising through courses and lectures on equality, cultural, political and social rights, and then lobbying at three different levels i.e. at the governmental, decision-making level, public hearing and in local women's committees and finally through international advocacy including through the submission of reports to human rights treaty bodies.

### ***Discussion***

The following issues were raised during the first segment of the discussion under Item VI:

- The importance of raising awareness of the Declaration through active use of social media, campaigns on minority rights and designing of outreach programmes;
- The need for States to promote the Declaration, including to institute and promote a national day for minorities;
- Examples of measures taken in some States to improve the situation and ensure that the Declaration was implemented in practice;
- The need for international exchange mechanisms where different stakeholders could compare existing models and legislative strategies for the protection of the rights of minorities and determine whether such models have been effective;
- The need for the Declaration to be implemented not only directly but also indirectly; the direct way encompasses immediate application of its provisions in policy drafting and realisation while the indirect way manifests itself through setting up of such institutional arrangement and work processes and priorities that meet the Declaration standards and further its goals.
- The need to remind all stakeholders of the existence of multiple forms of discrimination and violence faced by particular groups, including minority women, amongst the broader minority groups;
- The need for further research to be conducted on the impact of the MDGs on minorities and the degree to which they have helped or harmed minority groups as available evidence indicates that minorities have not benefitted equally from the MDGs activities to date;
- The need for the post-2015 framework to reflect minority rights standards, including mechanisms for participation of minorities in decision-making on development that affects them and for the framework to also include indicators to monitor the progress of minorities towards the new global goals on development, including analysis of intersecting forms of discrimination;

- The need for Governments to abolish discriminatory provisions related to religious affiliations in constitutions and laws;
- The need for the creation of anti-discrimination mechanisms to be followed by human and minority rights awareness-raising campaigns and building the capacity of key public and law enforcement institutions on these mechanisms. Alternative judicial mechanisms that exist, particularly in rural communities, should also be fully cognizant with these national and international minority rights standards;
- The need to support initiatives aimed at increasing the number and quality of regional consultations;
- The need for UN agencies and Member States to be flexible, well-coordinated and inclusive to address today's challenges;
- The need for the Forum on Minority Issues to be strengthened, including through additional funds and through innovative and flexible approaches such as securing an annual half-day or whole day discussion within a regular session of the Human Rights Council;
- The possibility to create a Permanent Forum on Minority Issues to ensure a longer and institutionally ensured engagement;
- That participation of minorities would be enhanced by the establishment of a UN Voluntary Fund on Minorities;
- The need for more recognition of young people belonging to minorities and to provide them with opportunities for empowerment;
- The possibility to establish a focal point on minority youth, such as a Minority Youth Caucus composed as a network of young persons, to promote a youth perspective at the Forum on Minority Issues and other UN conferences in coordination with civil society, governments and activists worldwide;
- The paramount importance of human rights education for promoting tolerance and mutual understanding between people of different ethnicity, culture and religion;
- The need to develop and implement a proactive policy in the field of education in the mother language as well as a focus on discussion of the issues of pluralism and the contribution of minorities in society and debunking negative stereotypes and myths.

**Mr Endeko Charles Endeko, from the Hadzabe Survival Council of Tanzania, presented on “*Minority political participation: the situation of the Hadzabe in Tanzania*”** first highlighting that this minority group is marginalised in all spheres of development including in education, social services and recognition by State in policies and laws. He indicated that formal education is not available to the Hadzabe who also lack knowledge of the Declaration and minority rights standards and their importance for them. He mentioned that such lack of knowledge also applies to the Government that does not seem to be aware of minority rights standards and principles applicable to the situation of the Hadzabe. With a view to implement the Declaration, he suggested the following: that programmes for increasing State's awareness of the rights of the Hadzabe minority be designed, that specific provisions to protect their rights be included in the Constitution of Tanzania and that programmes focusing on education, environmental conservation, water and health be designed for the Hadzabe minority.

**Ms. Risha Syed, human rights lawyer from the North Indian State of Uttar Pradesh, presented on “Moving forward: a way ahead”** focusing on the challenges faced by the Muslim community in India including in terms of access to education, employment in the public and private sectors, and access to Government schemes and programmes. She indicated that a Ministry of Minority Affairs had been established to look into matters relevant to minorities with specific funds allocated towards their development. She however expressed concerns that efforts to implement programmes that had been developed to this end were met with serious problems in terms of implementation, including due to corruption in some instances, and that it remained a difficult task for those who wished to avail of the benefits of relevant schemes. She concluded by expressing the need for more monitoring of programmes designed to implement the Declaration and other minority rights standards and principles.

### ***Discussion***

The following issues were raised during the second segment of the discussion under Item VI:

- The need for the international community to respond in a united and effective way to the increasing acts of violence and discrimination against religious minorities worldwide;
- The importance for States to engage further with civil society organisations advocating for the rights of minorities;
- The importance of training, both to ensure that public officials are aware of the rights of persons belonging to minorities and to ensure that members of society more broadly and made directly aware of their rights;
- The European Roma and Travellers Forum which was created to give a voice to the Roma and establish a body through which the Roma could be heard at the European level, its achievements but also the room for improvement;
- The importance of implementing the Declaration in post-conflict and peace-building situations, with a view to offset the human rights violations often disproportionately affecting minorities during such times;
- The situation of minority rights defenders and the need to protect them;
- The need for adequate protection of cultural heritage;
- The need for strengthening the exchange of experiences in terms of implementation of the Declaration at the regional level;
- The need to translate the Declaration and the Recommendations of the Forum into the native languages of the groups that make up the cultural diversity of nations;
- The need for all relevant Special Procedures of the Human Rights Council to examine the situation of minorities within their own mandates and for human rights treaty bodies to ask States to provide information on the situation of minorities under relevant provisions of their respective mandates;
- The need for minority issues to be an integral part of the universal periodic review of the Human Rights Council.

## **Item VII. Concluding remarks**

In her closing remarks, the Chair of the fifth session of the Forum on Minority Issues, Ms. Soyata Maiga, underlined that, through the wealth of presentations and proposals for recommendations received from all participants during this session of the Forum, all of the rights in the Declaration had been the subject of a very complex, critical and detailed analysis. She particularly welcomed the sharing of experiences from persons belonging to minorities themselves and the examples of challenges that they face but also the faith and hope that they had demonstrated for the future. She recalled that, in spite of the twenty years of existence of the Declaration, it has not actually delivered everything that it could and therefore it must be nurtured and consolidated through a collective and renewed commitment supporting the promotion and protection of all rights of persons belonging to minorities. She underlined that this goes hand in hand with the implementation of regional human rights instruments that also guarantee the rights of persons belonging to minorities. Among the main challenges that are being faced by all stakeholders, she pointed to the deficit in understanding and actual ownership of the Declaration by minorities themselves, the lack of legal recognition of the existence of minorities in numerous places and the insufficient integration of the Declaration's principles in national legislation. She therefore stressed the need for institutionalisation of this Forum and for all stakeholders to attach more importance to the full implementation of its recommendations *inter alia* through the adoption of new legislation, policies and plans tailored to the needs of minorities. In conclusion, she emphasised that all of the rights contained in the Declaration are important and must be respected but that special attention is required on education, on the promotion and respect for linguistic rights as well as elements of the cultural identity of persons belonging to minorities.

In her concluding remarks, the Independent Expert on minority issues, Ms Rita Izsák, stressed that all contributions heard during the Forum would greatly inform her work. She welcomed the examples of good practices in all regions that demonstrated the attention that Governments and other stakeholders are giving to minority issues. She also welcomed the examples of remaining challenges that served as reminders of the need for better implementation of the Declaration. She called on all participants to continue the dialogue initiated during the Forum throughout the year as the recommendations that it produces can only fulfil their potential when they are translated into action in countries and localities where the challenges involving minorities exist. She concluded by emphasising that implementation of minority rights require dialogue, consultation, understanding and sometimes compromise.