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PROCEDURES SPECIALES DU
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SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Independent Expert on Minority Issues

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I have the pleasure to inform you that the second session of the United Nations Forum on Minority Issues will take place on 12 and 13 November 2009 in Palais des Nations in Geneva. The thematic focus of this second session is "Minorities and Political Participation". For your information, kindly find attached a concept note thereon.

As mentioned in the concept note, the discussions during the Forum will be around three core elements:

- Identification of good practices in relation to minorities and political participation;
- Identification of challenges and problems facing minorities and States with respect to increasing the participation of minorities in political processes; and
- Consideration of opportunities, initiatives and solutions.

In this context and in order to enrich the discussions at the Forum with concrete examples, I would very much appreciate receiving examples of practices or initiatives put in place in your country to improve the effective participation of minorities in political institutions and processes, both at the national and local levels.

These examples shall be compiled and shared with Forum participants in advance of the session, to serve as the general framework for, and guide the discussions during the Forum.

We would be grateful to receive your input before the end of July 2009.

For further information on the Forum, you may wish to contact its Secretariat: Ms. Sylvie Saddier-Calame or Ms. Kim Turcotte (minorityforum@ohchr.org), and visit the Forum's web site at the following address:
<http://www2.ohchr.org/english/bodies/hrcouncil/minority/forum.htm>.

Please accept the assurances of my highest consideration.

A handwritten signature in cursive script, reading "Gay J. McDougall".

Gay McDougall,
Independent Expert on
Minority Issues

Annex: Concept Note

United Nations Forum on Minority Issues – Second Session

Minorities and Political Participation

Dates: 12 and 13 November 2009

Venue: Palais des Nations, Geneva, Switzerland

U.N. Independent Expert on Minority Issues: Gay McDougall

Chair of Forum: *not yet appointed*

The thematic focus of the Forum in 2009 will be “**Minorities and Political Participation**”.

Introduction

Many situations around the world show that an adequate representation of minority groups in the society’s policy- and decision-making is instrumental in breaking the cycle of discrimination and exclusion suffered by members of these groups, and the ensuing disproportionate levels of poverty and related impediments to the full enjoyment of many civil, cultural, economic, political and social rights.

The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that ensuring that persons belonging to national or ethnic, religious and linguistic minorities are “an integral part of the development of society as a whole and within a democratic framework based on the rule of law” is necessary to maintain or build harmonious and respectful relations among a society’s various components¹. The effective participation of members of minority groups in the political life of the society they belong to is an essential component of a peaceful and democratic society.

Legal Framework

The Universal Declaration of Human Rights protects the right to everyone “to take part in the government of his country” and to “equal access to public service in his country”². A few years later, the International Covenant on Civil and Political Rights in its article 25 also recognized the rights to every citizen, without distinction of any kind, to take part in the conduct of public affairs, to vote, to be elected and to have access to public service³.

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities states that: “(...) 2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. 3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation. 4. Persons belonging to minorities have the right to establish and maintain their own associations. (...)”⁴.

In its commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the former 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”⁵.

¹ United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992, preamble paragraph 6.

² Universal Declaration of Human Rights, , adopted by General Assembly resolution 217 A (III) of 10 December 1948, article 21.

³ International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200 A (XXI) of 16 December 1966.

⁴ United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by General Assembly resolution 47/135 of 18 December 1992, article 2.

⁵ Commentary of the Working Group on Minorities to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, E/CN.4/Sub.2/AC.5/2005/2, para. 35.

While noting that “the number of persons belonging to minorities is by definition too small for them to determine the outcome of decisions in majoritarian democracy”, the former Working Group on Minorities expressed the view that “effective participation requires representation in legislative, administrative and advisory bodies and more generally in public life”⁶.

Issues for consideration

The focus of discussions will be around three core elements:

- Identification of challenges and problems facing minorities and States;
- Identification of good practices in relation to minorities and political participation; and
- Consideration of opportunities, initiatives and solutions.

In the framework of the themes listed below, the Forum will consider current practices and ways to increase the effective participation of minorities in policy- and decision-making processes and institutions:

- national and local parliaments;
- “minority” parliaments, advisory or consultative bodies;
- central and local governments / executive bodies at the national and local levels.

Participation and discrimination: the impact of discrimination on minorities’ political participation; to what extent is the effective participation by minorities in political processes and institutions facilitated by the society’s acceptance of minority inclusion.

Meaningful representation / representation and empowerment: How is it possible to ensure an effective role by minorities in policy- and decision-making?

Obstacles to minorities’ political participation: discriminatory denial of citizenship; right to vote, language requirements to register to vote, run for elections or hold public offices; location of polling places; availability of voter education in minority languages; possible reluctance of minority communities to participate in public affairs

Impact of Different Electoral Systems: what is the impact of electoral laws and electoral systems? Is there an “ideal” or, at least, more effective electoral system: proportional representation (with or without a threshold, with the possibility of open-lists or not) / majority or first-past-the-post electoral systems? Should the geographical concentration (or lack of) of the minorities in the country be considered? The delimitation of electoral districts or precincts to impact the representation of minorities?

Possible institutions / bodies which could address obstacles to minorities’ participation in political life for a society: minority Ombudsperson or dedicated branch on minorities in the national human rights institution; dedicated ministry; dedicated parliamentary committee; parliamentary outreach to minority communities; media

Role of Political parties: How to ensure adequate representation in “mainstream” political parties? party outreach to minority communities. Minority-based political parties: promoted / authorized / forbidden? Effective or divisive?

Role of minority groups: minority political parties / associations / lobby organisations; perceptions of the impact of participation in national institutions; relations between minority representatives and their constituents

Veto rights on policies and decisions on issues affecting minorities: In the affirmative, which mechanism / institution should receive the veto right?

Quotas, reserved seats or other mechanisms ensuring representation of minorities: reserved seats in parliament; minorities’ parliaments / tribunals / councils or other advisory bodies;

Cultural autonomy and self-governance: applied in certain countries with respect to linguistic rights, education, religion, cultural identity, etc.

Related issues include:

- freedom of expression, assembly and association
- freedom of the press and minority access to the media

⁶ Commentary of the Working Group on Minorities to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, E/CN.4/Sub.2/AC.5/2005/2, paras. 42 and 44.

- open, participatory and transparent law-making process
- freedom to engage in political activity individually or through political parties or other organisations
- freedom to debate public affairs, to hold peaceful demonstrations and meetings

Aims and Objectives of the United Nations Forum on Minority Issues

The aims and objectives of the Forum on Minority Issues are established in Human Rights Council resolution 6/15 which requires that under the guidance and preparation of the Independent Expert on Minority Issues, the Forum shall:

1. meet annually to provide a platform for dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities;
2. provide thematic contributions and expertise to the work of the Independent Expert on minority issues;
3. identify and analyse best practices, challenges, opportunities and initiatives for the further implementation of the U.N. Declaration on the Rights of Minorities;
4. produce thematic recommendations to be reported to the Human Rights Council by the Independent Expert;
5. contribute to efforts to improve cooperation among UN mechanisms, bodies and specialized agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities, including at the regional level.

The Forum offers a unique opportunity for engagement and dialogue with a wide range of stakeholders including UN Member States and bodies, Specialized Agencies, inter-governmental and regional organizations and minority representatives and civil society on minority issues. The Forum is open to the active participation of all stakeholders and will pursue creative collaborations and modalities of engagement. The Forum will seek to provide concrete and tangible outcomes in the form of thematic recommendations of practical value to all stakeholders.

In conformity with resolution 6/15, the outcome of the Forum will be thematic recommendations that will be reported to the Human Rights Council by the Independent Expert.

Format and Agenda

The views of experts and participants from minority communities will be given a high priority within the proceedings.

The chosen thematic focus on minorities and political participation will be the sole substantive issue on the agenda of work for the 2009 Forum. An annotated agenda will be provided in advance of the session of the Forum.

Participation in the Forum

Pursuant to resolution 6/15, the Forum will be open to participants of States, United Nations mechanisms, treaty bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues and non-governmental organizations in consultative status with the Economic and Social Council. The Forum shall also be open to other NGOs and organizations representing minorities whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations.

Outcomes

- The Chairperson of the Forum is responsible for the preparation of a summary of the discussion of the Forum, to be made available to all participants;
- The Independent Expert on minority issues will include the recommendations from the Forum in her annual report to the Human Rights Council.
