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Forum on Minority Issues

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Note by the Independent Expert on minority issues, 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

I. Introduction

1. The fifth session of the Forum on Minority Issues will focus on the topic of “Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Identifying positive practices and opportunities”.

2. In 2012, the United Nations marks the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Declaration provides authoritative guidance and key standards on minority rights ranging from protection of existence and identity to non-discrimination and participation in economic, social and political life. The twentieth anniversary offers an important opportunity to examine the diverse ways in which the Declaration has been used and implemented in practice and to gain the perspectives of different stakeholders on how it has impacted on aspects of national legislation, institutional mechanisms and their activities to advance the rights of persons belonging to minorities.

3. The fifth session of the Forum will therefore be framed around core questions to all participants, including “How has the Declaration been useful in your work and efforts towards protecting and promoting the rights of minorities?” and “How can awareness and implementation of the Declaration be improved?” Participants will provide practical suggestions on how to translate the provisions of the Declaration into action on the ground. These suggestions will contribute to a set of recommendations of the Forum focused on implementation of the Declaration, which will be presented to the Human Rights Council.

4. Governments, national human rights institutions, civil society organizations and minorities themselves will discuss how the Declaration has impacted on aspects of governance, legislation, policy and programming and how its principles have been reflected in work at the national level on minority issues. The views of representatives of regional intergovernmental bodies will also be sought regarding how the Declaration has been used at the regional level as well as how it could further contribute to their efforts to promote minority rights in different regional contexts. At the international level, United Nations bodies, mechanisms, and specialized agencies, including United Nations treaty body representatives and special procedure mandate holders will also present their views on the impact and value of the Declaration in their work.

II. Background to the Forum on Minority Issues

5. The aims and objectives of the Forum on Minority Issues were established by the Human Rights Council in its resolution 6/15 and renewed by Council resolution 19/23, which require that the Forum, under the guidance and preparation of the Independent Expert on minority issues:

(a) Meet annually to provide a platform for dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities;

(b) Provide thematic contributions and expertise to the work of the Independent Expert;

(c) Identify and analyse 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;

(d) Produce thematic recommendations, to be reported to the Council;

(e) Contribute to efforts to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities relating

to the promotion and protection of the rights of persons belonging to minorities, including at the regional level.

6. The Forum offers a unique opportunity for engagement and dialogue with a wide range of stakeholders, including States Members of the United Nations, bodies and specialized agencies of the Organization, intergovernmental and regional organizations, and minority representatives and civil society on minority issues, and represents an opportunity for them to exchange experiences.

III. Aims and objectives of the fifth session of the Forum on Minority Issues

7. The fifth session of the Forum will focus on the experiences of diverse stakeholders who have used the Declaration in the course of their work at the national, regional and international levels. Participants, including minorities themselves, will highlight their experiences and demonstrate how they have used the Declaration in practice, as well as provide their perspectives on what more needs to be done to implement the Declaration nationally.

8. A set of recommendations will be presented to the twenty-second session of the Human Rights Council.

IV. Legal framework

9. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted by consensus in 1992 and establishes in broad terms the rights of minorities and the obligations upon States. Such obligations upon States to implement the Declaration and protect and promote minority rights thereunder require positive measures to be taken in the areas of legislation, policy and programming.

10. Article 1, paragraph 1, requires that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity”. Article 1, paragraph 2, requires that “States shall adopt appropriate legislative and other measures to achieve those ends”. Article 4, paragraph 1, of the Declaration requires that “States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law”. Furthermore article 4, paragraph 2, calls upon them to “take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards”. Article 5 of the Declaration establishes that “national policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities”.

V. Participants and issues for consideration

11. The Forum will focus on practices relative to implementing the Declaration. The experiences and perspectives of various stakeholders will therefore be sought, including the following.

A. Governmental delegations

12. During this session, Governments will be invited to present their views on the extent to which the Declaration has impacted on their legislation, policies and practices as well as their institutional mechanisms for the protection and promotion of minority rights. Questions for discussion will include whether the Declaration influenced Governments' policies including those relating to: collection and analysis of disaggregated data to reveal the socioeconomic situation of minorities; adoption of legislation explicitly recognizing the rights of minorities and incorporating key elements of the Declaration; application of affirmative action measures; development of national action plans or similar strategies designed to address minority issues; and methodologies to ensure representation and participation of minorities in public life. State representatives will also be asked to consider what additional measures could be taken nationally by Governments.

B. Minority representatives and non-governmental organizations

13. Minority representatives and non-governmental organizations may wish to share their experiences of using the Declaration in the context of their work. Questions for discussion will include in what ways has the Declaration been useful to them and their partners, including at the local level and in their work directly with communities and national and local authorities? They may share practical examples of how the Declaration has helped them to inform minorities of their rights and reinforce their work with national-level partners and in national courts, as well as how they have used it to raise awareness of minority rights in other venues such as at regional bodies and within the United Nations system. Other questions might also include what changes did the Declaration help to bring about for minorities and how? In addition, what steps could be taken by non-governmental organizations and civil society to promote more effectively the Declaration?

C. Representatives of national human rights institutions working in the area of minority rights protection and promotion

14. Representatives of national human rights institutions working in the area of minority rights protection and promotion will share experiences and examples of how independent human rights bodies have used the Declaration, including as a resource for such activities as: raising awareness of minority rights; assessing and monitoring the situation of minorities; helping to draft and implement legislation; designing and implementing policies and delivering minority-related programmes; and supporting legal cases brought by minorities and related to minority issues at the national level. What concrete projects have been undertaken based on provisions in the Declaration, for example relating to minority participation, education, language rights or other key minority issues? What are the challenges and opportunities for national institutions for the promotion and protection of human rights and what recommendations do they propose?

D. United Nations bodies, mechanisms and specialized agencies

15. United Nations bodies, mechanisms and specialized agencies will be invited to reflect on if and how they have used the Declaration, for example, as treaty bodies in their monitoring of States on their human rights record in areas relevant to minorities, or when developing general comments. Can treaty bodies use the Declaration more effectively in their work? The Independent Expert on minority issues and other relevant special procedure mandate holders will provide their views on the role and value of the Declaration.

Specialized agencies, including the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), with field presences and staff who work with minorities may provide their experiences of how the Declaration has helped them to better understand the rights of minorities and incorporate them into programme work, as well as highlighting possibilities for developing their work based upon the Declaration.

E. Regional intergovernmental bodies

16. Regional intergovernmental bodies will contribute their perspectives on how the Declaration has been used at the regional level, including in helping to shape regional human rights standards, in supporting legal cases relating to minority issues in regional courts and monitoring bodies, and in efforts to monitor the minority rights performance of States. Representatives may offer perspectives on possible future initiatives to promote awareness and use of the Declaration in the work of regional human rights bodies. Representatives of European, African, Latin American and Asian regional bodies, including the African Commission on Human and Peoples' Rights, the European Union, the Council of Europe, the Organization for Security and Co-operation in Europe (High Commissioner on National Minorities), the Organization of American States and the Association of Southeast Asian Nations will be invited to share their views.

F. Young people from minority communities

17. Young people belonging to minority communities will attend the session and speak about what the Declaration means to them and their lives as young people growing up in diverse and multicultural societies. Questions for discussion will include whether the Declaration is still relevant and meaningful to them and how does it help to meet the challenges facing minorities and majorities in diverse societies today. What creative ideas do they have to help to ensure that the Declaration is implemented in their own societies and in others globally? What do they believe should be done to improve the situation of minorities and minority/majority relations now and in the future?

VI. Format and agenda

18. The Forum has developed a unique format whereby participants comment on a set of draft recommendations prepared and circulated prior to the Forum session. The draft recommendations will be developed on the basis of information, surveys and studies received by the Independent Expert on minority issues. The session will be devoted to brief, targeted oral interventions commenting on specific provisions of the draft recommendations, limited to three to five minutes each. Participants will be invited to devise their contributions to help develop the draft as the subsequent outcome document. In addition to the draft recommendations, an annotated agenda and programme of work will be provided in advance of the session.

19. On the basis of the provisions of Human Rights Council resolutions 6/15 and 19/23 and in the wider context of promoting the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in all regions, the focus of discussions during the session will centre on three core elements:

- Identification of challenges and problems encountered with regard to practical implementation of the Declaration
- Identification of good practices in respect to practical use of the Declaration for the protection and promotion of minority rights

- Consideration of future opportunities, initiatives and further possibilities for raising awareness of the Declaration and ensuring its practical implementation

20. The views of participants from minority communities are consistently given a high priority in Forum proceedings.

VII. Participation in the Forum

21. Pursuant to Human Rights Council resolution 19/23, the Forum session will be open to participation by 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 will also be open to other non-governmental organizations representing minorities whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations.

22. Given the thematic focus of the current session of the Forum, 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 will be particularly encouraged to participate.

23. Requests to be accredited to the Forum should be sent to minorityforum@ohchr.org.

VIII. Outcomes

24. The Chairperson of the Forum is responsible for the preparation of a summary of the discussions of the Forum, to be made available to all participants.

25. In conformity with Human Rights Council resolution 19/23, the outcome of the session will comprise a set of action-oriented thematic recommendations that will subsequently be presented by the independent expert on minority issues to the Council.
