



General Assembly

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Human Rights Council
Forum on Minority Issues
Eighth session
24 – 25 November 2015

Provisional agenda and annotations thereto

Note by the Secretariat

Provisional agenda

1. Adoption of the agenda and organization of work.
2. Legal framework and key concepts.
3. Minorities and the exercise of police powers.
4. Challenges of criminal justice systems in addressing the needs and demands of minorities.
5. Addressing the root causes of discrimination in the administration of justice.
6. Concluding remarks.



Annotations

1. Adoption of the agenda and organization of work

Venue

1. Pursuant to Human Rights Council resolutions 6/15 and 19/23, the eighth session of the Forum on Minority Issues will be held in Geneva in Room XX of the Palais des Nations on 24 and 25 November 2015.
2. The Forum will have before it the provisional agenda contained in the present document to consider for adoption. A tentative schedule of work for the session is contained in annex I.

Opening meeting

3. The President of the Human Rights Council will deliver an opening statement followed by statements of the United Nations High Commissioner for Human Rights, the Chair of the Forum on Minority Issues and the Special Rapporteur on minority issues.

Documentation

4. A list of documents for the session is provided in annex II. In addition to normal distribution, official documents for the session will be made available on the website of the Human Rights Council (www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session8.aspx).

Discussions

5. Participants will have the opportunity to make brief presentations and comments based on the draft recommendations that they will have before them. After the presentations introducing the topics for discussion at the beginning of each agenda item, there will be an open discussion to which all participants will be invited to contribute, based on a sign-up sheet.

2. Legal framework and key concepts

6. The eighth session will provide an overview of existing international and regional standards and principles relevant to the fairness and effective safeguarding of minority rights at all stages of the criminal justice process. The discussion will focus on measures for the effective promotion and full realization of the provisions set forth in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and other relevant international standards, as a means to prevent and address bias and discrimination against minorities at each stage of the criminal justice system.
7. Participants will discuss how to ensure that international and regional principles and standards relevant to the promotion and protection of minority rights in the criminal justice system are reflected in national legislation, policies and practices. The role of international, regional and national mechanisms in guaranteeing a strong national legal framework for the protection of minorities and ensuring institutional attention to issues relating to minorities will be considered.

3. Minorities and the exercise of police powers

8. Participants will identify and discuss key factors that create and perpetuate vulnerability of minority groups and their exposure to the arbitrary or discriminatory exercise of police powers, including structural discrimination. These may include coercive

or privacy-invasive police practices that may have an excessive impact on minority communities by reinforcing stigma and stereotypes of certain minority groups, thereby contributing to a vicious circle of tensions between police and minority communities and undermining intercommunity cohesion.

9. Session participants will analyse conditions that may lead authorities to be disproportionately suspicious of persons belonging to minorities or to select them for nominally “random” checks for reasons of a discriminatory and prejudicial character. Experiences of police disproportionately targeting individuals for identity checks or stop-and-search operations or with other forms of coercive or privacy-invasive police powers purely on the basis of identity-based minority group characteristics rather than any credible suspicion that the individual in question involved in any illegal activity will be addressed. Increased general surveillance of members of a particular religious faith solely on the basis that some believers of the religion have engaged in terrorist or similar crimes will also be considered.

10. Participants will explore the role of all stakeholders in taking proactive steps to prevent law enforcement officers from engaging in profiling methods, including questioning, arrests and searches, based solely on the physical appearance of a person, or the person’s features or membership in a particular minority group. Participants will be encouraged to share positive experiences about measures that mitigate the disproportionate impact of discriminatory security operation practices on minorities and tactics that ensure the impartial and non-discriminatory application of the law and that ultimately create or preserve community cohesion and peaceful relations with the police, including by building an inclusive and responsive police service.

11. Participants will consider effective measures to prevent the excessive use of force, including lethal force, by police and how best to ensure full compliance with the requirements of proportionality and strict necessity in any use of force against persons belonging to racial or ethnic minorities. This may include considering essential elements to guarantee representative, independent, transparent and accessible accountability mechanisms as a means to prevent the abuse of police powers.

12. Participants will identify effective positive measures that foster or strengthen trust in law enforcement personnel and prevent or address the failure of law enforcement (actual or perceived) to protect minorities from violence against them. This will include a discussion on effective community engagement and empowerment initiatives and strategies, and examples of community outreach by police as a good practice model.

4. Challenges of criminal justice systems in addressing the needs and demands of minorities

13. Participants will consider specific challenges that minorities face in criminal judicial proceedings, including obstacles to realizing their rights to equality before the law, to non-discrimination and to fair trial. Discussions will include an analysis of experiences of minorities as witnesses giving testimony in criminal proceedings, and the identification of measures to promote and respect the cultural environment and/or religious belief of witnesses during proceedings. The identification of obstacles preventing minorities from enjoying the guarantee of quality legal representation, including by addressing the issue of availability and affordability of quality legal assistance and lack of knowledge of options available for minorities, will also be addressed. Measures to ensure the protection and implementation of the linguistic rights of minorities in the context of criminal proceedings, whether as accused or witness, will also be considered.

14. While session participants will identify discriminatory application of sentencing regimes, including the death penalty and disparities in sentencing that may arise from intentional prejudice or indirect discrimination, they will also review essential elements for strengthening confidence and trust in the judiciary, particularly for members of stigmatized or marginalized minority groups. Such elements may include effective measures to guaranteeing an independent, impartial and representative judiciary, improving the representation of minorities in the judiciary, training programmes for judges and lawyers on minority rights and non-discrimination principles, including with respect to implicit bias and indirect discrimination, and disciplinary consequences and the availability of extrajudicial safeguards and accountability measures. Measures to remove obstacles for minorities in their access to rehabilitation and support measures upon release from prison will also be considered.

15. While participants will share accounts of violence and abuse (or exposure thereto) suffered by minorities in the context of detention and other forms of deprivation of liberty, they will also identify necessary steps to prevent and prevent such acts. This will include concrete steps to reasonably accommodate the cultural, dietary, religious and linguistic characteristics of minority detainees, as well as appropriate independent bodies to monitor conditions of detention, such as national preventive mechanisms established under the Optional Protocol to the Convention against Torture that include adequate representation of minorities.

16. Session participants will identify essential elements to improve access to justice for minorities, paying particular attention to those groups within minority communities whose voices may be rarely heard, including women, at-risk children, minority persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, and older persons. They will identify strategies and practices to remove actual or potential obstacles preventing minority victims from reporting a crime, to create an enabling environment for minorities to have access to formal justice, including by guaranteeing their personal safety and security, and through identifying and overcoming legislative, administrative, financial, social, linguistic and/or cultural barriers that minorities, especially women, may face in exercising their right of access to justice. Essential measures to improve access for minorities to regional and international mechanisms for accountability will also be considered.

5. Addressing the root causes of discrimination in the administration of justice

17. Session participants will identify actual and potential barriers to combating discrimination against minorities in the criminal justice system. The discussion will include effective strategies to address obstacles preventing the collection and analysis of comprehensive and disaggregated data at each stage of the criminal process in order to assess the scale and character of violations, and to measure progress in addressing them. Exchanges of concrete experiences and positive practices of data-collection techniques on the basis of self-identification and consent of individuals, in compliance with data-protection and privacy guarantees and with the meaningful participation of minorities, will be encouraged, particularly to eliminate the risk that ethnic data are misused to facilitate rather than reduce racial and ethnic profiling.

18. As a key factor in combating discrimination against minorities in all aspects of the administration of the criminal justice process, session participants will identify measures to increase the participation of persons belonging to minority groups in all aspects of the administration of justice. This will include effective strategies to encourage the recruitment, retention and vertical mobility of minority officers and administrators with the aim of building a diverse workforce throughout the criminal justice system. How best to remove

actual or potential obstacles for minorities entering the police, the judiciary, prosecution services, the legal profession and prison personnel will also be discussed.

19. Session participants will be encouraged to share positive examples of systems in place to guarantee independent oversight and accountability mechanisms for upholding the independence and integrity of the police and the judiciary.

20. Session participants will consider the importance of developing and delivering effective human rights training for law enforcement and judicial officials, including prison personnel. Concrete examples of how to ensure that training initiatives are designed and implemented with the meaningful participation of and in consultation with minority groups and existing minority staff members will be shared.

6. Concluding remarks

21. Participants in the Forum session will identify ways to engage with stakeholders, including minority communities themselves, in order to prevent and address possible reasons leading to discriminatory mechanisms and patterns in all stages of the criminal justice process. To that effect, the specific role that stakeholders – including international and regional organizations, as well as non-State actors, including civil society, minority communities and religious leaders, national human rights institutions, political leaders and the media – can play will be considered.

22. The Chair of the Forum and the Special Rapporteur on minority issues will share their concluding remarks, including proposals looking ahead at follow-up steps, with Forum participants.

Annexes

Annex I

Schedule of work

Tuesday, 24 November 2015

10 a.m. – 1 p.m.

3– 6 p.m.

Opening of the Forum on Minority Issues

Minorities and the exercise of police powers

- Welcome and opening remarks by the President of the Human Rights Council
- Remarks by the Special Rapporteur on minority issues
- Remarks by the United Nations High Commissioner for Human Rights
- Remarks by the Chair of the Forum on Minority Issues

Legal framework and key concepts

Wednesday, 25 November 2015

10 a.m. – 1 p.m.

3– 6 p.m.

Challenges of criminal justice systems in addressing the needs and demands of minorities

Addressing the root causes of discrimination in the administration of justice

Concluding remarks

Annex II

Documents before the Forum on Minority Issues at its eighth session

<i>Symbol</i>	<i>Title</i>
A/HRC/FMI/2015/1	Provisional agenda and annotations thereto; note by the Secretariat
A/HRC/FMI/2014/2	Draft recommendations on minorities in the criminal justice system
