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Note by the independent expert on minority issues, Rita Izsák, on guaranteeing the rights of minority women

I. Introduction

1. The fourth session of the Forum on Minority Issues will focus on the topic “Guaranteeing the rights of minority women”.

2. Women belonging to minorities frequently experience unique challenges and multiple or intersecting forms of discrimination emanating from their status as members of minorities and as women or girls. This may make minority women and girls particularly vulnerable to violations and the denial of their rights in both public and private life. Without explicit recognition of the different life experiences of minority women and men, such discrimination will often go unnoticed and not be addressed adequately. It is therefore crucial that the diversity that exists within each minority group and the fact that minority women and girls may experience multiple forms of discrimination in the course of their interactions both inside and outside their community be recognized. Women may be regarded as subordinate or inferior by men, and minority women may additionally face discrimination on the basis of their ethnicity, nationality or religion from those outside their minority group. A gender perspective that takes into account such multiple and intersecting forms of discrimination is critical when addressing minority rights and the situation of minority women and girls in a given minority group and in a particular country. The rights of every single member of such minority groups must be respected fully and equally, in all circumstances.

3. The issues and concerns of minority women frequently receive a lower priority than the efforts made to ensure minority rights for the group in general. Women belonging to minority groups often struggle within their communities to advocate for their rights, which can be postponed as a result of the prioritization of the general concerns of the group. Barriers to the empowerment of some minority women, including lack of social or economic contact, networks or minority women’s support groups, and scarcity of female minority role models have an important impact on the enjoyment by minority women and girls of their human rights. Minority women may hesitate to voice their gender-specific grievances even within their groups, let alone outside them. Minority women’s rights could also benefit from increased attention by the broader movement for women’s rights. In turn, the women’s rights movement would also benefit from the specific experiences of minority women in their overall struggle for equality.

II. Background

4. The aims and objectives of the Forum on Minority Issues were established by the Human Rights Council in its resolution 6/15, which requires 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;¹

¹ General Assembly resolution 47/135, annex.

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

(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.

5. 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 with regard to good practices and issues management in the field of minority relations.

III. Aims and objectives of the fourth session

6. The fourth session of the Forum will focus on concrete measures and recommendations aimed at guaranteeing the rights of minority women. Building on the work carried out during the first three sessions of the Forum and the recommendations emanating from that work, the fourth session will focus on the rights and opportunities for minority women to have access to education, take part effectively in economic life, have access to labour markets and participate fully in social, cultural and political life.

7. At the fourth session, the Forum will also aim at drawing greater attention to the situation of minority women in the agendas of the various stakeholders working on human rights, minority rights and women's rights by establishing closer cooperation among them. It will give space to, *inter alia*, minority women's rights and feminist movements and networks, and will provide concrete and practical examples to all participants on how to give visibility to the rights of minority women.

8. The Forum will provide participants with opportunities to highlight positive initiatives and good practices for the protection and promotion of the rights of minority women. These will include those relevant to the collection and dissemination of disaggregated statistics and the use of rights-based indicators relevant to minorities, including on the access of minority women to economic opportunities, education and health, political participation and legal remedies.

IV. Legal framework

9. Addressing the exclusion of minority women and promoting the enjoyment of their rights rest on three pillars of human rights and minority legal protection: (a) the right to non-discrimination and the obligation to combat both direct and indirect discrimination to ensure the enjoyment of a range of rights; (b) the right to effective participation in decision-making; and (c) the need for special measures or affirmative action to address the effects of long-standing and entrenched discrimination on certain minority groups and minority women.

10. The principles of non-discrimination and equality are crucial and form the basis of all core human rights treaties. Non-discrimination applies to everyone in relation to all human rights and freedoms, and prohibits discrimination on the basis of a list of non-exhaustive categories such as sex, race, colour, religion, language, nationality and ethnicity. Many violations of civil, political, economic, social and cultural rights have a basis in discrimination, racism and exclusion on the grounds of the ethnic, religious, linguistic,

national or racial characteristics of a group and on the basis of sex. The full realization of freedom from discrimination in the enjoyment of human rights is essential if minority women are to participate fully and meaningfully in society.

11. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which is inspired by article 27 of the International Covenant on Civil and Political Rights, is the primary international standard relating to the rights of minorities. All of the rights contained in the Declaration apply equally to minority women. The Declaration indeed states that “persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life”.

12. Article 3 of the International Covenant on Civil and Political Rights states that the States parties to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the Covenant. Furthermore, article 27 establishes that, “in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” In its general comment No. 28, on equality of rights between men and women, the Human Rights Committee stated that “the rights which persons belonging to minorities enjoy under article 27 of the [International Covenant on Civil and Political Rights] in respect of their language, culture and religion do not authorize any State, group or person to violate the right to the equal enjoyment by women of any Covenant rights, including the right to equal protection of the law.”² At the same time, the existence of such entrenched gender roles or local customs does not relieve the State of its responsibility to respect, protect and fulfil the rights of minority women.

13. The Convention on the Elimination of All Forms of Discrimination against Women is the primary international legal instrument relating to the rights of women. Although the Convention does not explicitly mention minority women or include provisions relating to multiple or intersecting forms of discrimination against women, all of the rights contained therein apply to minority women. Of particular relevance are articles 5, 10, 11 and 13, which affirm women's rights to non-discrimination in education, employment and economic and social activities, respectively. Article 7 further creates an obligation for States to take all appropriate measures to eliminate discrimination against women in the political and public life of the country. Equally, the Forum will take fully into account the relevant provisions of the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of Racial Discrimination and other human rights treaties, as well as the work of the treaty bodies monitoring their implementation by State parties.

14. In its general recommendation No. 25, on the gender-related dimensions of discrimination, the Committee on the Elimination of Racial Discrimination emphasized that “data which have been categorized by race or ethnic origin, and which are then disaggregated by gender within those racial or ethnic groups, will allow the States parties and the Committee to identify, compare and take steps to remedy forms of racial discrimination against women that may otherwise go unnoticed and unaddressed.” At previous sessions, the Forum has consistently pointed to the need for States to recognize, first and foremost, the existence of minority groups within their territory. This recognition can then be best supported by disaggregated data that would help to reveal the range of issues relevant to minority women's rights and hence assist in the development of targeted intervention. Disaggregated data collection is therefore indispensable to ensure that

² CCPR/C/21/Rev.1/Add.10, para. 32.

minority women's issues are fully integrated into both women's rights and minority rights discourses.

V. Issues for consideration

15. At the fourth session, the Forum will focus on practical and concrete measures to guarantee the rights of minority women. It will be informed by and build on the work of the previous three sessions held by the Forum, relating to minorities and the right to education, effective political participation and effective participation in economic life. At these sessions, the Forum consistently highlighted the need to address discrimination against minority women specifically, as they are often confronted with multiple and intersecting forms of discrimination. The Forum will take account of the fact that a great variety of country and minority situations exist and that, consequently, different measures may be required to improve the participation of minority women, which can be deeply affected by the context in which they live.

A. Right to education

16. At its first session, the Forum focused on minorities and the right to education. Access to education for minority girls may present particular challenges, especially in highly patriarchal family and community structures where gendered societal roles persist. Lack of education represents an absolute barrier to their progress and empowerment in every region of the world. In some cases, where barriers to access are compounded for girls, sometimes owing to the prioritization given to the education of boys, this results in a vicious circle leading to severe educational exclusion and diminished opportunities for girls to take part fully in economic, social, cultural and political life. As a consequence, some minority girls and women excluded from education suffer from high illiteracy levels. Ensuring equal access to education for women and girls from minority groups, upon whom poverty and family responsibilities may have a disproportionate impact, remains a considerable challenge. Internal factors, including cultural practices, early marriages and entrenched patriarchal structures and gender roles that, for example, restrict the free movement of girls and women, are important issues that create barriers to access to education for girls, which must be addressed.

B. Effective political participation

17. At its second session, the Forum recommended, inter alia, that States should ensure that all mechanisms, procedures and institutions established to promote and increase the political participation of persons belonging to minorities take into account the specific needs of minority women. The political rights of women are established in, inter alia, article 7 of the Convention on the Elimination of All Forms of Discrimination against Women, whereby women are guaranteed the rights to vote, to hold public office and to exercise public functions. Minorities often lack a say in national and local bodies responsible for policy, including in relation to economic life, national development and budgeting, and this is doubly the case for minority women. Consequently, the issues and situations of minority women may be neglected or not be given the priority that is required to achieve meaningful change. Minority women may face obstacles within their homes and in communities that deny them a role in decision-making. In society at large, they may in turn be denied a say in decisions of the national polity because they are women and because they are minorities. Ensuring effective political participation for minority women and their equal representation not only ensures their participation in decision-making on issues directly affecting them but

also helps to ensure that society as a whole benefits from their contribution and truly reflects its diversity.

C. Effective participation in economic, social and cultural life

18. The theme of the third session of the Forum was minorities and effective participation in economic life. Minority women are often excluded from the labour market or are at greater risk of unemployment. Barriers to minority women's access to labour markets include lack of professional education and formal qualifications, limited knowledge of the official language, low awareness of job opportunities, geographical location of jobs distant from their place of residence, lack of public infrastructure for child care, and financial difficulties. Cultural traditions and gendered societal roles may further discourage the involvement of minority women in employment or severely limit their options in this regard.

19. Sex- and minority-based discrimination in hiring, promotion and pay also create significant barriers for minority women. Increasingly informal labour markets – a result of globalization – have brought more women into paid work, but often with low pay, excluded from basic labour protection and employed under poor working conditions. This renders the conditions under which minority women – and all too often young girls – earn incomes that may be insecure, difficult, harmful or even dangerous. Their workload can be made heavier by the lack of such basic amenities as clean water and sanitation, the availability of child-care support and protection against domestic and social violence. Minority girls and women in difficult circumstances are often forced to find survival opportunities outside their communities and home, and can easily fall victim to trafficking, exploitation and illegal migration within or outside their own country, which makes them even more vulnerable.

20. In some societies, minority women shoulder complex burdens of poverty, ethnic or religious prejudice and gender-based restrictions, which can frequently result in greater challenges to the right to an adequate standard of living, including adequate housing. For instance, minority women in rural or remote areas in some countries may be confronted by a profound degree of isolation created by several different factors, including the boundaries of the home, lack of education and language barriers. Access to and use and management of land and property are central to women's economic independence, social status and political influence, not only with regard to their own status but also to that of men in their community. Customary law used by minorities, as well as laws in general, may disadvantage minority women, and entrenched gender roles may leave them highly vulnerable, particularly with regard to ownership of land or property, inheritance rights and access to credit, technology or markets. Displacement as a result of a wide range of reasons, such as war, men having been forced to flee or killed in a conflict, increased poverty and climate change have had the effect of loss of land and property, as well as putting minority women at risk of, inter alia, kidnapping, sexual exploitation, violence and HIV/AIDS.

21. Minority women may also face additional challenges in terms of access to reproductive health care. Indeed, several factors, including poverty, living in remote geographic areas where maternal health services are poor and/or inaccessible, and the lack of cultural awareness among maternal health practitioners, can greatly contribute to increasing maternal mortality among minority women. Minority women might have to deal with restrictions on their reproductive rights from within their own communities, including with regard to the use of contraception. The practice of early marriages in minority communities can have a significant impact on the health of women and their access to education or employment. Other discriminatory practices and policies in society in general include forced sterilization, used for some minority women because of their belonging to a particular minority group.

22. Negative and stereotypical portrayals of minority girls and women – for example as uneducated, powerless, oppressed or unhygienic – largely influence their treatment in wider society and contribute to the perpetuation of discrimination. Minority women following different cultural, traditional and religious practices can easily face segregation or exclusion from various social services. If they only speak their minority language, they experience difficulties and discrimination even in basic life situations. Minority women may also face barriers to freedom of cultural expression and have limited access to social and cultural forums when compared with minority men.

VI. Format and agenda

23. On the basis of the provisions of Human Rights Council resolution 6/15 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 facing minority women and States
- Identification of good practices in relation to minority women and their effective participation in social, economic, cultural and political life, including by drawing from examples of implementation of recommendations from previous sessions of the Forum
- Consideration of opportunities, initiatives and solutions

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

25. 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 will be provided in advance of the session.

VII. Participation

26. Pursuant to Human Rights Council resolution 6/15, 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.

27. Given the thematic focus of the current session of the Forum, persons belonging to minorities who are actively engaged in or have experience in promoting the education of minority women and girls; encouraging greater political participation of minority women at national or local levels; developing programmes to facilitate minority women's access to income-generating activities; working together with minority women in social projects;

achieving success in the arts, science, culture and sports; and as minority women leaders will be particularly welcome to participate.

28. Requests to be accredited to the Forum should be sent to the e-mail address minorityforum@ohchr.org.

VIII. Outcomes

29. 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.

30. In conformity with Human Rights Council resolution 6/15, 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.
