



PROTECTING MINORITY RIGHTS AND **DEFENDING DIVERSITY IN SOUTH ASIA REVISED EDITION**

Follow-Up Workshop 1-3 October 2004 Mount Lavinia, Sri Lanka

Canadian Human Rights Foundation

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Table of Contents

Acknowledgements	3
Introduction	4
Workshop Goal Objectives Participants Methodology	4 4 4
Workshop Schedule	6
Session 1: Introductions and Project Overview	9
ACTIVITY 1: GETTING TO KNOW THE PARTICIPANTS AND THEIR EXPECTATIONS	12 13 14
Session 2: Reviewing Project Activities to Date	17
ACTIVITY 1: REVIEWING THE STRATEGIC VISIONING PROCESS ACTIVITY 2: PREPARING SMALL GROUP PRESENTATIONS WORKSHEET 3A: FRAMEWORK FOR DEVELOPING YOUR PRESENTATION. WORKSHEET 3B: FRAMEWORK FOR DEVELOPING YOUR PRESENTATION. WORKSHEET 3C: FRAMEWORK FOR DEVELOPING YOUR PRESENTATION. ACTIVITY 3: PRESENTATIONS BY SMALL GROUPS.	21 24 25
ACTIVITY 4: BEGINNING TO THINK ABOUT FUTURE STRATEGIES	31
Session 3: Building Strategies for the Future	33
ACTIVITY 1: DETERMINING THE STRATEGIC DIRECTION WORKSHEET 5: DEFINING OUR STRATEGIC VISION ACTIVITY 2: DISCUSSION ON REGIONAL STRATEGIES WORKSHEET 6: STRATEGIC VISIONING (EXAMPLE FOR LARGE GROUP DISCUSSION) ACTIVITY 3: SITUATING OURSELVES IN THE VISION	36 39
Session 4 – Wrap Up and Evaluation	. 43
OBJECTIVES	
Materials Section	45
REFERENCE SHEET 1—OVERVIEW OF THE PROJECT ON PROTECTING MINORITIES AND DEFENDING DIVERSITY IN SOUTH ASIA	46

REFERENCE SHEET 3—PRIORITY ISSUES RELATING TO WORK ON MINORITY RIGHTS	AND
DIVERSITY IN SOUTH ASIA	51
REFERENCE SHEET 4—SELECTION CRITERIA FOR SMALL GRANT RECIPIENTS	52
REFERENCE SHEET 5—PROJECT FRAMEWORKS OF SMALL GRANT RECIPIENTS	54
REFERENCE SHEET 6—ANALYSIS OF PART III OF THE FOLLOW UP QUESTIONNAIRE RE	:
ADVISORY SERVICES NETWORK	60
REFERENCE SHEET 7—GUIDELINES FOR RESEARCHERS	64
Reference Sheet 8—Advisory Services in South Asia – A Policy Framework	67
REFERENCE SHEET 9—DRAFT STATEMENT OF PRINCIPLES	70

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September 2004







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Introduction

This is a Follow-Up Workshop to the Regional Workshop on Protecting Minority Rights and Defending Diversity in South Asia, held in Waduwa, Sri Lanka from 4 – 9 October 2003. It represents one of the 4 main activities of a project implemented by the International Centre for Ethnic Studies (ICES) and the Canadian Human Rights Foundation (CHRF) entitled "Capacity-building for human rights organisations to promote and defend diversity in South Asia".

Workshop Goal

The goal of this Follow-Up Workshop is to draw on the activities undertaken and the skills and experiences gained by representatives of human rights organizations, academics and experts since the 2003 Regional Workshop, with a view to developing strategies for future initiatives on minority protection in South Asia.

Objectives

- To review and evaluate project activities, which have taken place since the Regional Workshop in October 2003.
- To draw lessons learned from project activities, which can strengthen future work on the protection of minority rights in South Asia.
- To develop strategies and action plans for regional activities, which respond to existing needs and gaps.

Participants

There are four main groups of participants attending this workshop, as follows:

- 1) A selected number of participants who participated in the 2003 Regional Workshop and represent human rights organisations in Bangladesh, Bhutan, India, Nepal, Pakistan and Sri Lanka. These participants are small grants recipients as they were granted funding for a follow-up project in the field of minority protection.
- 2) A selected number of participants who attended the 2003 Regional Workshop and who have undertaken activities which have contributed significantly to minority protection in South Asia
- 3) Five researchers from Bangladesh, India, Nepal, Pakistan and Sri Lanka have each prepared a paper on the protection of the rights of minorities and diversity based on the particular objectives of the overall project.
- 4) Five minority rights experts from Bangladesh, India/Nepal, Pakistan, and Sri Lanka, who are members of the Core Group of the Advisory Services, whose role is to review and assist in the implementation of the project, and more specifically, to provide guidance for follow-up activities and the research work, as well as strategies for future activities.

Methodology

The workshop methodology is based on a participatory approach to learning. A basic assumption in this approach is that much of the content comes from those individuals participating in the workshop and that the workshop serves as the framework for drawing out this content. There will be a combination of small group work, presentations by resource persons and participants of this workshop, as well as plenary discussions.

Workshop Schedule

	DAY 1 Session 1: Introductions and Project Overview
09.00 - 10.00	Activity 1: Getting to know the Participants and their Expectations
10.00 - 10.15	Activity 2: Workshop Overview
10.15 – 10.45	Activity 3: Overview of the Project – "Capacity-Building for Human Rights Organisations to Promote and Defend Diversity in South Asia"
10.45 – 11.15	BREAK
	Session 2: Reviewing Project Activities to Date
11.15 – 12.00	Activity 1: Reviewing the Strategic Visioning Process
12.00 - 13.30	LUNCH
13.30 – 15.30	Activity 2: Preparing Small Group Presentations
15.30 - 16.00	BREAK
16.00 – 17.00	Activity 2: Continued
17.00 – 17.15	Reflection on Day 1
	Day 2
09.00 - 09.30	Recap
	Activity 3 Presentations by Small Groups
09.30 - 10.00	Presentation by Group 1: Small Grant Recipients
10.00 - 10.30	Q & A/Plenary Discussion
10.30 - 11.00	BREAK
11.00 – 11.30	Presentation by Group 2: Core Group Members and Regional Workshop Participants
11.30 – 12.00	Q & A/Plenary Discussion
12.00 - 13.30	LUNCH

Workshop Schedule Cont'd

13.30 - 15.00	Presentation by Group 3: Researchers
15.00 – 15.30	BREAK
15.30 - 16.30	Q & A/Plenary Discussion
16.30 – 17.30	Activity 4: Analysis of Presentations

Session 3: Building Strategies for the Future

08.30 - 09.00	Recap of previous day
09.00 - 10.30	Activity 1: Determining the Strategic Direction
10.30 - 11.00	BREAK
11.00 – 12.00	Activity 2: Discussion on Regional Strategies
12.00 – 13.30	LUNCH
13.30 – 14.30	Activity 2: Continued
14.30 – 15.30	Activity 3: Situating Ourselves in the Vision (National)
15.30 – 16.00	BREAK
16.00 – 16.45	Activity 3 Continued
16.45 - 17.30	Session 4 – Wrap Up and Evaluation

• • • • • • • • • • Session One

Session 1: Introductions and Project Overview

Objectives

- To have participants get to know each other better and share their expectations for the 3-day Follow-Up Workshop
- To provide an overview of the 3-day workshop
- To provide an overview of the the overall project entitled "Capacity-building for human rights organisations to promote and defend diversity in South Asia"

Activities

Activity 1: Getting to know the Participants and their Expectations 1 hr

Activity 2: Workshop Overview 15 min

Activity 3: Overview of the Overall Project Activities 30 min

1 hr 45 min total

Session One

Activity 1: Getting to Know the Participants and their Expectations

Objective

To have participants get to know each other better and share their expectations for the 3-day Follow-Up Workshop

Time

1 hr

Description

This activity is divided into 2 parts.

In **Part A** participants will interview another member of the group.

In **Part B** participants will introduce the other person to the rest of the group.

Part A Pair work (30 min)

The facilitator pairs you off with another person from the group and provides you with:

- a blank Information Card with a number on it resembling the one in *Worksheet 1: Participant Information Card* on p. 12
- 3 metacards

Locate the person who has the same number as you and introduce yourself to each other.

Ask him/her for the information to complete the Information Card. Print the information clearly on the card. Keep the card.

In order to speed up the process of preparing the large expectations and offers chart in **Part B**, also write the information on the metacards (i.e. one piece of information per metacard). These metacards will be taped onto the large version of *Worksheet 2: Group Expectations and Offers* on p. 13 in **Part B**.

When you have completed your information exchange, return to your places until everyone has completed the activity.

Continued ▶▶▶

Session One

Part B Group (30 min)

The facilitator has each of you introduce the person you have just met using the information you filled in on the card.

Paste the metacards on the flipchart version of **Worksheet 2** provided by the facilitator.

The facilitator will then lead a large group discussion on how the program can address the expectations as well as use the resources the participants have to offer.

End of Activity ■

Worksheet 1: Participant Information Card

Namo	
Name: Country/City:	
Organization:	-
Occupation:	-
Name ONE of your expectations for this training session. Ple	ease explain.
Name ONE thing you feel you can offer the group . Please ex	xplain.

Worksheet 2: Group Expectations and Offers

Name	Expectations	What people can offer

Session One • • • • • • • • • • • •

Activity 2: Workshop Overview

Time

15 min

Description

The facilitator provides an overview of the three-day Follow-Up Workshop.

End of Activity ■

Session One

Activity 3: Overview of the Project – "Capacity-building for human rights organisations to promote and defend diversity in South Asia"

Objective

To review the project activities with participants.

Time

30 min

Description

A resource person will review the different activities of the project since its inception to ensure that participants have a common understanding of the project overall. Please see *Reference Sheet 1* p. 46 in the **Materials Section** at the end of this manual.

He/She will present:

- The overall goal and objectives of the project
- The description of activities since the 2003 Regional Workshop
- The role of the follow-up workshop in devising a strategy for future intiatives in the field of minority protection in South Asia

End of Activity ■

• • • • • • • • • Session Two

Session 2: Reviewing Project Activities to Date

Objectives

• To have participants reflect on the project activities that they were involved in and prepare to present the objectives and results of their work to the larger group using a strategic visioning framework

Activities

Activity 1: Reviewing the Strategic Visioning Process 45 min

Activity 2: Preparing Small Group Presentations 3 hrs

Activity 3: Presentations by Small Groups 4 hrs 30 min

Activity 4: Beginning to Think About Future Activities 1 hr

9 hrs 15 mins total

Activity 1: Reviewing the Strategic Visioning Process

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45 min

Objectives

- To review key terms and steps related to strategic visioning.
- To provide participants with a common framework for situating their work within the broader project, with a view to building a vision for future work

Description

In **Part A**, you will work with a partner to review some of the key terms and concepts related to strategic visioning.

In **Part B**, a resource person from CHRF will present the Strategic Visioning Framework.

Part A (15 min)

- The following story is an example of long-term planning.
- Please read the story:

Master Builders Plan a Dining Hall

Four hundred years ago, master builders fashioned a remarkable dining hall at a renowned university. One of the features of the hall was the ceiling that had been made from beams of enormous oak trees, the kind that were, sadly, now rare. Four hundred years had taken its toll on this well-loved hall and the modern builders were puzzled as to how to preserve the hall. Until someone pointed out the grove of oak trees that had long stood beside the hall. That's when someone realized that the original master builders had planted that grove of oaks when they built the hall knowing that the oaks would be mature and ready to be harvested to repair the hall four hundred years later.

Source: Chris Cavanaugh, Catalyst Centre, Toronto, Canada.

Continued > > >

• • • • • • • • • • • Session Two

Activity 1 cont'd

- 1. Work with the participant sitting next to you. Discuss the story and determine whether the master builders had a strategic vision by answering the questions provided. To help you, review the information in the "Strategic Visioning" box below and decide whether the master builders had a strategic vision. Questions to consider:
 - Was the master builders' plan a strategic one? Why or why not?
 - What elements were necessary to make their plan strategic?
 - What assumptions did the master builders make when they built the dining hall?
 - What possible threats existed and how did the master builders plan for these?

Strategic Visioning

Strategic visioning is a logical, systematic methodology used to create a vision of your desired future and to develop and implement actions to build that vision into reality. The strategic visioning process requires serious commitment in terms of time and other resources.

Strategic visioning also requires a change in attitude and a different way of thinking. It requires the belief that within what you perceive to be your limited sphere of influence and control, you can bring about significant positive changes for both you and your organization.

A strategic visioning process typically involves a comprehensive analysis of the following elements:

- past and current competitive environments, trends / imperatives / and assumptions regarding the relevant activity
- organizational strengths/weaknesses/opportunities/ threats, and
- strategic priorities and activities

Sources:

Strategic Visioning Process. Available online:

http://www.nea.gov/resources/lessons/grove.html.

The Policy Center. Available online:

http://policycenter.sunyit.edu/organization/strategic_vision/strategic.htm.

Continued > > >

Session Two

Activity 1 cont'd

- 2. With respect to our work on minority rights and diversity in South Asia
 - How will a strategic vision help us in our work?
 - What questions must we ask and what information do you need in order to develop a strategic vision?

Part B (30 min)

A resource person will explain the *Strategic Visioning Framework*, *found on Reference Sheet 2*, and will serve to guide the participants' work throughout the workshop. The framework will:

- Outline the process for the review of project activities
- Help to synthesize key elements of the project as presented by the participants
- Assist in organising the information from the discussions, which will then be used during the last session of the workshop to help determine a direction and strategies for future work.

End of Activity ■

Activity 2: Preparing Small Group Presentations

Objective

• To identify elements of the participants' work contributing to the overall project. Specifically to identify objectives, results, challenges, lessons learned and ideas for improvement.

Time

3 hrs

Description

Groups develop their presentations keeping in mind the information and framework presented during the previous activities.

The participants will work in small groups according to their main area of involvement in the overall project:

Group 1 – Small Grant Recipients

Group 2 – Core Group Members and Regional Workshop Participants

Group 3 – Researchers

The facilitator will explain the process for developing group presentations to the large group. He/she will also go over the *Worksheet* and *Reference Sheets* provided for each of the groups listed above.

A resource person will work with each group to answer questions and provide guidance as needed.

Process for Developing Your Group Presentation

Together with the members of your group, develop a 20 to 30-minute presentation on your work in the context of this project, according to the process described below.

• Discuss the work you have done, highlighting the areas of focus as well as the objectives and results that relate to the goal and approach of the overall project:

"draw on the activities undertaken and the skills and experiences gained by representatives of human rights organizations, academics and experts since the 2003 Regional Workshop, with a view to developing strategies for future initiatives on minority protection in South Asia."

• Use the materials listed below to help prepare and record the information for your presentation.

All 3 groups will use:

- Worksheet 3: Framework for Developing Your Presentation,
 p. 24
- *Reference Sheets* **1**, **2**, **3**, **4** *and* **9** in the Reference Materials Section at the end of this manual.

Each small group will use the materials specifically identified for their group as outlined below.

Group 1 – Small Grant Recipients

Worksheet 3a for Group 1

Reference Sheet 1 on p. 46

Reference Sheet 4—Selection Criteria for Small Grant Recipients on p. 52

Reference Sheet 5—Project Frameworks of Small Grant Recipients on p. 54

Continued ►►►

• • • • • • • • • • • • Session Two

Activity 2 cont'd

Group 2 – Core Group Members and the Regional Workshop Participants

The Regional Workshop Participants have been brought together with the Core Group Members as key stakeholders, to review the Advisory Services component and to recommend ideas for improvements.

Worksheet 3b for Group 2

Reference Sheet 1 on p. 46

Reference Sheet 6—Analysis of Part III of the Follow Up Questionnaire re: Advisory Services Network on p. 60

Group 3 – Researchers

Each Researcher will present one of the 5 priority areas listed in Worksheet 3c on behalf of each country.

Worksheet 3c for Group 3

Reference Sheet 1 on p. 46

Reference Sheet 7—Guidelines for Researchers p. 64

Reference Sheet 8—Advisory Services in South Asia – A Policy Framework on p. 67

End of Activity ■

Session Two • • • • • • • • • • • • • • • •

Worksheet 3a: Framework for Developing Your Presentation

The overall goal of the project: is to strengthen the capacity of human rights organisations to protect and promote the rights of minorities and to defend diversity in South Asia.

Group 1: Small Grant Recipients (See also Reference Sheets 1, 4 and 5)

Areas of Focus of Projects List 2 or 3 initiatives under each priority area as outlined in selection criteria (where possible).	How did these initiatives contribute to the overall goal of the project? What were the results achieved?	Challenges faced in achieving the results	Lessons learned	Ideas for improvement	Note ideas about potential future initiatives

• • • • • • • • • • • • Session Two

Worksheet 3b: Framework for Developing Your Presentation

Group 2: Core Group Members of the Advisory Services Network (ASN) and Regional Workshop Participants (See also Reference Sheets 1, 6 and 8)

Part 1: Reviewing Advisory Services	Were objectives achieved? Why or Why Not?	Challenges faced in achieving the intended results	Lessons learned	Ideas for improvement	Notes on potential future initiatives
Implement follow-up initiatives and contribute to the sustainability of project activities, by providing advice and input into a regional network of services to promote and protect the rights of minorities in the South Asian region.				Refer to Question Sheet 6	as 4 & 5 on Reference
Role of the Core Group 1. Provide information and advice to participants and other clients on issues of protection and promotion of minority rights and diversity issues	Refer to Questions 1 to #1 under "Role of the	o 3 on Reference Sheet 6 Core Group".	. Focus only on		
2. Update the directory on minority rights and diversity and make it available online on the ICES website					
3. Consider proposals from the participants of the regional workshop for follow-up activities and provide support and modest funding for selected project proposals.					
4. Review (i.e.further legal elaboration with annotations) Statement of Principles tabled at the Working Group of Minorities in Geneva in 2003 and disseminate widely.					

Group 2: Core Group Members and Regional Workshop Participants cont'd...

Part 2: Review of the Statement of Principles (See Reference Sheet 9)						
Review the Statement of Principles on Reference Sheet 9 . Provide some ideas for use, dissemination and application of the Statement of Principles at the national and regional levels.						

• • • • • • • • • • • • Session Two

Worksheet 3c: Framework for Developing Your Presentation

Group 3: Researchers

(See also Reference Sheets 1, 7 and 8)

Main Priority Areas of Research:	Access to natural resources (including water, food, land)	Access to justice (including denial of equality before the law)	Discrimination and exclusion (including in the areas of employment and education)	Promotion and protection of cultural diversity	Autonomy and self-determination of individuals and groups within society
Identify Findings of research specific to each country: i.e., examples of: • jurisprudence • case studies/best practices/effective strategies • remedial measures according to the 5 priority areas					
Highlight any "emerging" issues.					

Group 3: Researchers cont'd...

Challenges faced in	
carrying out the	
research.	
Lessons learned	
from your experience	
which could enhance	
research process in	
the future	
NT . 1 1	
Notes about ideas for	
potential future initiatives at the	
national and regional	
levels.	

Session Two

Activity 3: Presentations by Small Groups

Objectives

To build a common understanding of the project activities with a view to developing strategies future work

Time

4 hrs 30 min

Description

In Part A, each small group will in turn present the results of their discussions to the larger group.

In **Part B**, the facilitator will lead a large group discussion.

Part A Group Presentations

Each small group presents the results of their discussion in Activity 2 to the larger group according to the schedule provided below. Each presentation will be followed by a question and answer period.

Each group is encouraged to take notes on ideas, key issues and challenges presented, to be contributed into the next activities.

Schedule for Presentations

09.30 - 10.00	Presentation by Group 1: Small Grant Recipients (Focus of presentation: activities undertaken in the context of the project for which they received this funding, presented according to the 5 priority issues)
10.00 - 10.30	Q & A/Plenary Discussion
10.30 - 11.00	BREAK
11.00 - 11.30	Presentation by Group 2: Core Group of the Advisory Services Members and Regional Workshop Participants (Focus of presentation: Furthering Advisory Services)
11.30 - 12.00	Q & A/Plenary Discussion

Continued ► ► ►

Session Two • • • • • • • • • • • • • • • •

Activity 3 Continued

12.00 - 13.30	LUNCH
13.30 - 15.00	Presentation by Group 3: Researchers – (Focus of presentations: Findings of the mapping exercise according to the 5 priority issues that were used in the Guidelines for the mapping and small grant projects.)
15.00 - 15.30	BREAK
15.30 - 16.30	Q & A/Plenary Discussion

Session Two

Activity 4: Beginning to Think About Future Strategies

Objectives

To identify needs, gaps and opportunities, and challenges for the development of future strategies

Time

1 hr

Description

The facilitator leads a large group discussion synthesizing the information collected in the previous activity regarding challenges, lessons learned and ideas for improvement.

The facilitator records the results of this discussion on Worksheet 4
Taking Stock of Our Current Work on Protecting Minority Rights and
Defending Diversity in South Asia

The facilitator reviews the information discussed and explains how it will be used to inform the discussion on future strategies.

End of Activity ■

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Worksheet 4:Taking Stock of Our Current Work on Protecting Minority Rights and Defending Diversity in South Asia

Main Goal	Impact/Change
The overall goal of the project is to strengthen the capacity of	
human rights organizations to promote and defend diversity, and	
respect the rights of minorities in South Asia.	

Strengths to build on – internal to the groups	Weaknesses to eliminate or cope with – internal to the groups
Opportunities / unexpected results to explore – external	Threats to ease or lower – external

• • • • • • • • • • • • Session Three

Session 3: Building Strategies for the Future

Objectives

To determine the strategic direction to address issues of minority rights and diversity in South Asia.

Activities

Activity 1	Determining the Strategic Direction	1 hr 30 min
Activity 2	Discussion on Regional Strategies	2 hrs
Activity 3	Situating Ourselves in the Vision	1 hr 45 min
Total Time		5 hrs 15 min

Session Three • • • • • • • • • • • • • • •

Activity 1: Determining the Strategic Direction

Objectives

To determine strategies for addressing issues of minority rights and diversity in South Asia.

Time

1 hr 30 min

Description

You will now create a vision of what the work in the area of minority rights and diversity in South Asia will be like in the future. Ideas from this discussion will be used to formulate some strategic regional objectives moving forward.

In **Part A**, the facilitator will review the key concepts of strategic visioning framework discussed on Day 1 and the process to date.

In **Part B**, you will work in mixed groups to explore ideas on a direction for addressing issues of minority rights and diversity in South Asia.

Part A (30 min)

The facilitator begins by reviewing the process to-date.

He/she also reviews the information from the analysis carried out in Session 2 Activity 3 the previous day. Some questions the facilitator will ask the group to addressed are:

- What lessons learned from the project activities presented should be integrated into our strategies for the future?
- What gaps/needs have been identified?
- What opportunities exist?

Activity Continued ▶▶▶

• • • • • • • • • • • • Session Three

Activity 1 cont'd

Part B (60 min)

The facilitator divides participants into small groups. If possible, each group should include one member from the four different groups participating in the workshop.

In their groups, participants discuss the questions provided on *Worksheet 5: Defining Our Strategic Vision* on p. 36.

Participants should reflect on the questions with a view to determining impacts and formulating some strategic regional objectives. (See Activity 2)

Questions in the Worksheet are adapted from <u>The Fifth Discipline</u> <u>Field Book</u>, Senge, Peter, 1994.

End of Activity ■

Session Three • • • • • • • • • • • • • • •

Worksheet 5: Defining Our Strategic Vision

Three years from now: • Who are the stakeholders? (i.e. organizations, individuals, institutions, funders) • How do we work with them? • How does the work we do produce value for the stakeholders?
 Who are the stakeholders? (i.e. organizations, individuals, institutions, funders) How do we work with them? How does the work we do produce value for
stakeholders? (i.e. organizations, individuals, institutions, funders) How do we work with them? How does the work we do produce value for
them?How does the work we do produce value for
do produce value for

• • • • Session Three

Worksheet 5: Defining Our Strategic Vision continued

Questions	Our Vision
How is our work perceived by our stakeholders?	
What is our unique contribution to addressing minority rights and issues diversity in South Asia?	

Worksheet 5: Defining Our Strategic Vision continued

Questions	Our Vision
• What is the impact of our work in protecting minority rights and defending diversity in South Asia?	Our Vision

Session Three

Activity 2: Discussion on Regional Strategies

Objectives

To present the strategies develop by each group and to determine a strategic direction for addressing issues of minority rights and diversity in South Asia.

Time

2 hrs

Description

Part A Large Group Discussion

The facilitator leads a large group discussion aimed at developing regional strategies, identifying potential challenges and actions to implement the strategies.

Please see Worksheet 6: Strategic Visioning p. 40

End of Activity ■

Session Three • • • • • • • • • • • • • •

Worksheet 6: Strategic Visioning (Example for Large Group Discussion)

Strategic Vision:						

Impact (the Future)	Regional Strategies	Challenges: Can we do this? What are the risks? Alternatives: What can we do to minimize risks?
Regional approach to addressing issues affecting the protection and promotion of	Regional Strategy 1: TO BUILD CAPACITY USING EXISTING EXPERTISE IN THE REGION (e.g. Engage local NGOs in TOTs)	 No funding available or reduced funding Identify alternatives
minority rights and defending diversity	Regional Strategy 2: PARTNERSHIP – BUILDING (e.g. Increase participations of the regional NGOs in strengthening the Advisory Services Core Group Activities)	 Risk management strategies Lack of cohesion among members regarding the how-to Making advisory services operational across the region; i.e., people to provide the services, NGOs and others using the services)
	Regional Strategy 3: IMPLEMENTATION (e.g. Ensure that States meet their required obligations in protecting and promoting the rights of minorities and defending diversity)	■ Change in government policy regarding minorities

Questions to keep in mind:

- a. How can we address the needs/gaps that we have identified?
- b. What are the potential challenges in South Asia when addressing minority rights and diversity?
- c. Think about 4 future strategies in the field of minority protection in South Asia.
- d. What actions do you propose for the implementation of the strategies you suggested?

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Worksheet 6: Strategic Visioning

Strategic Vision:

Regional Strategies	Challenges: Can we do this? What are the risks? Alternatives: What can we do to minimize risks?
	Regional Strategies

Session Three • • • • • • • • • • • • • • • •

Activity 3: Situating Ourselves in the Vision

Objectives

• To elicit ideas for national level initiatves and expected outputs

Time

1 hr 45 min

Description

Part A Country Group Discussions (1 hr)

The facilitator divides participants into country groups to discuss the following questions:

- At the national level, how can we address the needs and gaps that we have identified?
- What types of activities can be undertaken at the national level to support the regional strategies identified in the previous activity?
- What actions can be undertaken by our organisations to support the activities that have been identified at the national level?

In your country group, record your responses on flipchart paper.

Select a report to present your responses to the larger group.

Each group has 5-minutes to present to the larger group.

Part B Country Group Presentations and Discussions (45 min)

Each country group presents their ideas to the larger group.

A resource person comments and leads a discussion.

End of Activity ■

• • • • • • • • Session Three

Session 4 – Wrap Up and Evaluation

Objectives

• To close the Follow-Up Workshop and evaluate the process of the 3 days.

Agenda

Activity 1: Wrap Up Discussion 30 min Activity 2: Evaluation 30 min

1 hr Total Time

Materials Section

Reference Sheet 1—Overview of the Project on Protecting Minorities and Defending Diversity in South Asia

Session 1 Activity 3 Reference Sheet for all Groups

The project on Protecting the Rights of Minorities and Defending Diversity in South Asia has been developed in partnership between the International Centre for Ethnic Studies and the Canadian Human Rights Foundation.

The **overall goal** of the project is to strengthen the capacity of human rights organizations to protect and promote the rights of minorities and to defend diversity in South Asia.

Project Objectives:

To strengthen the capacity of human rights organizations to collect, analyze and channel information on issues in South Asia related to the rights of minorities and relevant to diversity and multiculturalism, using a framework based on internationally accepted human rights standards and principles.

To develop the capacity of human rights organizations to access and use national and international human rights mechanisms to promote and protect the rights of minorities, as well as promote and defend diversity, in South Asia.

To contribute to the development and consolidation of regional and national networks of organizations working on minority issues and diversity.

Expected Project Outputs:

- Output 1: Appropriate human rights education and training materials developed and disseminated to civil society organizations in South Asia.
- Output 2: Twenty-five to thirty South Asian representatives of key human rights organisations trained in their capacity to analyse minority rights issues, monitor the situation of minority rights and to effectively use existing promotion and protection mechanisms to promote and defend diversity.
- Output 3: Participants developing plans and engaged in monitoring initiatives.
- Output 4: Participants sharing experiences and developing joint activities.

• • • • • • • • • • Materials Section

Reference Sheet 1: Continued

Activities:

1. Regional Workshop on the Rights of Minorities and Defending Diversity in South Asia

Workshop Goal

- To strengthen the capacity of human rights organisations to protect and promote the rights of minorities and to defend diversity in South Asia.

Objectives of the Workshop

- To develop skills in using a framework based on internationally accepted human rights standards and principles.
- To examine existing national and international mechanisms.
- To identify effective strategies for addressing minority rights violations.
- To contribute to the development and consolidation of regional and national networks of organisations working on minority issues and diversity.

The Regional Workshop was organized as one of the key components of this larger project. The Workshop brought together 29 participants representing human rights organizations, including NGOs and national human rights institutions from 6 countries in South Asia: Bangladesh (5), Bhutan (1: exiled in Nepal), India (8), Nepal (4), Pakistan (5) and Sri Lanka (6).

2. Follow-Up Activities to the Regional Workshop

<u>Advisory Services</u>: The goal of the Advisory Services is to enhance minority protection by providing advice, guidance, and support to all sectors of society, drawing primarily on regional expertise.

The Objectives for the Advisory Services are to:

- Provide information and advice to participants and other clients on issues of protection and promotion of minority rights and diversity issues
- Update the directory on minority rights and diversity and make it available online on the ICES website

Reference Sheet 1: Continued

- Consider proposals from the participants of the regional workshop for follow-up activities and provide support and modest funding (e.g. small grants) for selected project proposals.
- Review (i.e., further legal elaboration with annotations) the Statement of Principles tabled at the Working Group of Minorities in Geneva in 2003 and disseminate widely. Some key areas to highlight:
 - Rationale for developing the Statement of Principles
 - Key points of the Statement of Principles.
 - Ideas for making use of the Statement of Principles as a reference tool (e.g. tool for drafting national legislations) for all key stakeholders (e.g. government, NGOs, NHRIs, advocates, policy-makers, etc.)

<u>Small Grants Recipients</u>: Following the Regional Workshop in October 2003, selected participants received funds for the implementation of sub-projects relating to the protection and promotion of minority rights and defending diversity.

Small grants projects were aimed at:

- Strengthening the capacity of human rights organisations in South Asia to address minority and diversity issues, at national, regional and international levels.
- Strengthening the Advisory Services Network by drawing primarily on regional expertise to advise and assist the participating human rights organisations in the regional workshop to initiate follow-up activities.

<u>Regional Workshop Participants</u>: Participants from the Regional Workshop were expected to apply the tools, skills and knowledge obtained during the Regional Workshop and then share the results of their work with others at the Follow-Up Workshop.

• • • • • • • • • • Materials Section

Reference Sheet 1: Continued

<u>Researchers</u>: The role of the researchers is to conduct focused research (i.e. mapping process) which would contribute as a key element to the three major activities identified under the advisory services component of the project:

- the updating of an ICES Directory of Minority Rights Institutions in South Asia
- the revision of the Statement of Principles on Minority and Group Rights in South Asia

the elaboration of an advisory services project for the South Asian region upon completion of the current project by the end of 2004.

The results of the research will be contained in the form of reports which will be presented at the Follow-Up Workshop and which will provide the base-line information and framework for the advisory services project, as well as other future activities.

3. Follow-Up Workshop

Project Goal:

The goal of this Follow-Up Workshop is to consolidate and strengthen networks between human rights organizations, including individuals, working on minority and diversity issues in South Asia, with a view to developing strategies for future initiatives.

Project Objectives:

- To review and evaluate project activities which have taken place since the Regional Workshop in October 2003
- To draw lessons learned from project activities which can strengthen future work on the protection of minority rights in South Asia.
- To develop strategies and action plans for regional activities which respond to existing needs and gaps.

Reference Sheet 2—Overview of Strategic Visioning Process

Session 2 Activity 2 Reference Sheet for all Groups

Days 1 and 2 of the Follow-Up Workshop

Step 1: Where are we now? Taking Stock

Activities and discussions will centre around taking stock of the work that has been done by each group within the context of this project, with a focus on:

- Contribution of the activity to the overall project
- Results achieved
- Challenges
- Lessons learned
- Ideas for improvement

Day 3 of the Follow-Up Workshop

Step 2: Determining a Strategic Direction - Where do we want to be? / Where might we go? What is possible?

Create a vision of how minority rights and diversity will be protected in the future in South Asia. Involvement of individuals, organisations, institutions (stakeholders). Our guiding principle should be to 'Keep our feet on the ground, but reach for the stars'.

- Who is involved? (Stakeholders: organizations, individuals, institutions)
- How is our work perceived?
- What is our unique contribution to addressing the issues affecting minorities and of diversity?
- What is our impact?

Step 3: How will we know when we are there? What will it look like?

Based on the 'New Vision' how will we measure success?

Step 4: How do we get there? What do we need to get there?

- Development of Regional Strategies
- Framing of Regional Strategies
- Action Plan to achieve regional Strategies

Reference Sheet 3—Priority Issues Relating to Work on Minority Rights and Diversity in South Asia

Session 2 Activity 3 Reference Sheet for all Groups

Priority Issues

The following five issues were deemed to be priority areas for work relating to the protection and promotion of minority rights and defending diversity in South Asia. These themes were determined by the participants of the Regional Workshop in October 2003.

The table below lists the issues and provides two examples for each issue.

Priority Issues	Examples
Access to natural resources (including	a) Denial of access to basic resources such as safe drinking water, food, and land, including equal access to land and land tenure.
water, food, land)	b) Displacement of minorities and communities from their land,
	including their traditional land, threatening opportunities for subsistence and livelihood.
Access to justice (including denial of equality before the	a) Denial of minorities to a right to a fair trial, equality before the law, equal protection and benefit of the law, and recognition as a person before the law.
law)	b) Processing of complaints of violations of the rights of minorities and effective redress including remedies and compensation.
Discrimination and exclusion (including	a) Discrimination and exclusion on the basis of, <i>inter alia</i> , caste, gender, religion, ethnicity, language and culture.
in the areas of employment and education)	b) Measures of affirmative action, with a balance between the equality and equal treatment of minorities and other groups within their own communities as well as the larger society.
Promotion and protection of cultural diversity	a) Promotion of culture as an essential political factor, which in multicultural states enhances cultural diversity based on universal values.
j	b) Equal participation of minorities and communities in the constitution-making process, and recognition of their identity, culture, status and values in the constitution.
Autonomy and self- determination of individuals and groups within society	a) Autonomy granted to minorities and communities based on territory or personal group belonging, including in the areas of education, the judiciary, administration and the police, with the aim of ensuring their security and well-being.b) Democratic self-determination within the state for individuals and
	groups, in accordance with their identity, values and culture.

Materials Section • • • • • • • • • • • • •

Reference Sheet 4—Selection Criteria for Small Grant Recipients Session 2 Activity 2

The following criteria were used to select sub-projects from the pool of Small Grant Project Proposals that were submitted to ICES and CHRF:

Selection Criteria for Follow-Up Activities

Priority Issues

The proposal must fall within the framework of one of the following five priority issues:

- Access to natural resources (including water, food, land)
- Access to justice (including denial of equality before the law)
- Discrimination and exclusion (including in the areas of employment and education)
- Promotion and protection of cultural diversity
- Autonomy and self-determination of individuals and groups within society
- A list of examples for the priority issues, which could guide your work, has been included in the attached policy framework paper.

Activity Types

Project activities may include advocacy, monitoring/fact-finding, education/training, documentation/materials.

Total Cost

The total project cost should not exceed 3,000 USD

Timeframe

The duration of the project activities is for the period from 1st January to 31st October 2004.

Other Considerations

- Proposals must be made on behalf of an organization, not an individual.
- Preference will be given to project proposals which result from joint initiatives between one or more organisations in a given country, or between organisations working on similar issues across the South Asian region.
- The project proposal could represent an additional component of an existing project.

• • • • • • • • • • • • Materials Section

Reference Sheet 4 - Continued

Required Format

- a. Your two-page project outline should include the following:
- b. The issue(s) the project will address
- c. Objectives of the project
- d. How the project will meet the objectives
- e. How the sustainability of the project will be ensured over the long-term
- f. In the event of a joint project, how the organisations involved will complement each other
- g. Contribution of your organisation(s) to the project (either financial or in-kind such as materials, staff time, facilities)
- h. An estimate of the total cost of the project.

Reference Sheet 5—Project Frameworks of Small Grant Recipients

Session 2 Activity 2

Organisation: Fact-finding Documentation and Advocacy (FFDA)

India

Project Overview: Capacity building of grassroots cadres on minority rights in Chhattisgarh

Priority Areas and Issues: Access to natural resources; Access to justice

Objectives:

- 1. Provide fact-finding, documentation and advocacy skills to community leaders, informants and activists at the grassroots level with a view to protecting minority rights
- 2. Provide technical training on how to use domestic standards and mechanisms to protect minority rights
- 3. Create a base of trained cadres at the grassroots level; Facilitate learning exchanges and solidarity
- 4. Produce situation report on minorities

Activities:

- 1. Training on fact-finding and documentation ("practicing in a laboratory")
- 2. Preparation of situation report

Sustainability: Through strengthening networks and facilitating learning exchanges

Materials Section

Reference Sheet 5: Continued

Organisation: Coorg Organisation for Rural Development (CORD)

India

Project Overview: Protection and promotion of tribal people's traditional rights over land and resources

Priority Areas and Issues: Access to natural resources

Objectives:

- 1. Creation of database on land occupation of tribal people in Western Ghat districts
- 2. Create critical legal consciousness among tribal leaders on their traditional rights over land and natural resources
- 3. Initiate campaign with tribal leaders and likeminded groups for implementation of Panchayathi Raj (Extension to Scheduled Areas) Act, 1996 in Karnataka

Activities:

- 1. Prepare detailed survey of tribal dwelling areas in Western Ghat districts
- 2. 3-day legal training to 60 tribal leaders in 5 districts on tribal rights and human rights and relevant acts and laws
- 3. Develop a network of tribal leaders and other likeminded NGOs and orgns through district wide seminars/workshops to initiate advocacy campaign

Sustainability: Development of Supportive Network Forum

Reference Sheet 5: Continued

Organisation: Centre for Protection of Minorities and Against Racism and Discrimination (CEMARD)

Bhutan

Project Overview: Training seminar on minority rights for Bhutanese refugee community

Priority Areas and Issues: n/a

Objectives:

- 1. To enhance awareness, knowledge, skills and competence of Bhutanese minority school teachers, minority rights defenders and educators, and NGO staff in protection and promotion of minority rights
- 2. To promote diversity, non-discrimination and foster tolerance between and among diverse communities
- 3. Motivate trainers and educators to educate and increase awareness of the grassroots people about the rights of minorities.
- 4. Provide participants with information on international standards and UN mechanisms

Activities:

- 1. Methodology will be based on participatory learning methods.
- 2. Report will be prepared on the proceedings of the training seminar.

Sustainability: n/a

Materials Section

Reference Sheet 5: Continued

Organisation: Dhikar

Bangladesh

Project Overview: Training of Indigenous/ Ethnic Minority Peoples' organizations in Bangladesh in human rights monitoring, documentation and fact-finding

Priority Areas and Issues: Capacity Building; Monitoring, Documentation Fact-Finding, Investigation

Objectives:

To enhance the capacity of indigenous/ethnic organisations in Bangladesh on monitoring, documentation and fact-finding of human rights abuses according to internationally accepted standards and methods with a long term view of strengthening networking.

Activities:

Training of 30 persons from indigenous peoples' human rights organisation in systematic monitoring, documentation, fact-finding and reporting on human rights abuses through:

- selection of 15 organisations (2 participants from each orgn)
- curriculum development
- two trainings of four days each on international human rights norms, instruments, fact-finding and investigation techniques, monitoring and documentation techniques

Sustainability: Not clear

Reference Sheet 5: Continued

Organisation: CHA

Sri Lanka

Project Overview: Empowering minority communities to recognize their rights, to defend them and be aware about the redress mechanisms available for violations

Priority Areas and Issues: Capacity building **Objectives:**

To further strengthen existing initiatives undertaken by the Community Protection Network at district level, through local empowerment, with a focus on reducing or eliminating discrimination based inter alia on belonging to a minority community.

Activities:

Networks will be expected to provide information about the particular to the network, the needs of the district, the problem to be addressed and the proposed activities.

On this basis, CHA will give a 300 –350 USD to members of the Community Protection Network

Sustainability: Not clearly reflected in the project document

Materials Section

Reference Sheet 5: Continued

Organisation: National Commission for Justice and Peace

Pakistan

Project Overview: To empower activists and minority representatives to identify human rights violations and obtain redress

Priority Areas and Issues: Lobbying, advocacy, training, capacity-building

Objective:

To enhance the capacity of human rights activists and representatives of minorities to identify issues and priorities and elaborate a strategy for action

Activities:

- 1. Organise a consultation for minority representatives to identify and prioritize issues, formulate a strategy for action and prepare recommendations, and,
- Organise a training workshop for human rights activists to discuss the issues, gain greater awareness of the UN mechanisms and the national mechanisms for redress, undertake fact-finding, writing appeals and preparing a plan of action.

Sustainability: As the human rights activists who participate in the project are part of the NCJP staff at field level, their skills will continue to be applied over the long-term

Materials Section • • • • • • • •

Reference Sheet 6—Analysis of Part III of the Follow Up Questionnaire re: Advisory Services Network

The following information about the use of the Advisory Services Network todate has been gathered from the Follow Up Questionnaires that were received from the participants of the Regional Workshop.

Total number of participants that responded to the questionnaire: 17 (out of 28)

From Bangladesh: 3 (out of 5) From India: 6 (out of 8) From Nepal/Bhutan: 2 (out of 5) From Pakistan: 4 (out of 5) From Sri Lanka: 2 (out of 5)

Part III: Advisory Services Network (ASN)

1. Since the Regional Workshop in October 2003, have you contacted the ASN since the end of the Regional Workshop in October 2003?

Yes: 2 No: 15

- 2. If you have contacted the ASN since the Regional Workshop:
 - a) How many times have you contacted the ASN?

1 person (Nepal) : 3 times 1 person (Bangladesh) : 1 time

b) How did you use the ASN?

Request for providing resource person. (Nepal)

c) Was the ASN useful in your work?

Yes: 1 No: 1

d) If yes, explain how

It was useful to share information among the network members (Nepal)

e) If no, explain why not

The person contacted was not available for the programme (Bangladesh)

Reference Sheet 6: Continued

- 3. If you have not contacted the ASN since the Regional Workshop,
 - a. Why have you not contacted the ASN which was offered as part of this project?
 - We are rather in an initial stage in the re-vitalisation and strengthening of the tribal process and evidently we need and require the support of the ASN for which we will be contacting in due course. (*India*)
 - We have a good network of people and organisations which are working for the rights of minorities. So we did not find any problem to get help from our network and find the appropriate person for our workshops / programs as speaker or facilitator. It was easier for us to use volunteer services from our existing network. (*Pakistan*)
 - The ASN has gone out of reference. Nor did I feel the need of such a mechanism in carrying out my work. Neither did the service contact me during this period to make me realise the significance of it. My work commitments have not pushed me to such a situation where the advice of such a service would be essential. Neither the service could come out with a viable presence so that I felt something missing without their advice and support. (India)
 - I was not given any information about the ASN. (*Pakistan*)
 - We are more involved in national minorities issues. (*Pakistan*)
 - I haven't had the need yet to seek its service. (*Sri Lanka*)
 - It was mentioned in the Regional Workshop that land-related work will be given priority. From Bangladesh's perspective, it is difficult to work for land reform matters. So we did not contact the ASN. (*Bangladesh*)
 - The need has not yet arisen. (Sri Lanka)
 - It was decided in Wadduwa that participants will work together on follow up projects, but without consultation with other, only one NGO did it individually. (*Bangladesh*)
 - There were limitations in the services, it was not very user friendly.
 (India)
 - We were very busy developing our own training programme on minority rights which was completed recently. (*Bhutan*)
 - The proposed advisory services were not clear to me. (*Pakistan*)

Materials Section • • • • • • • • • • • • • •

Reference Sheet 6: Continued

b. Would you still consider using the ASN in the future?

Yes: 14 No: 0

- Yes, if in the future we will find the need to get guidance, assistance and help from the ASN. (Pakistan)
- Yes, if the need arises. (Sri Lanka)

c. If no, explain why not.

N/A

4. How do you think the ASN can be useful to you and your organisation?

a. Within the context of minority rights and diversity issues, the network could provide information and advice on:

- international and national laws and standards	6
- how to access international, national and UN mechanisms	6
- how to prepare a case for a court or national human rights	6
institution	
- implementing strategies for training and advocacy activities	13
- legislative drafting and reform	9
- educational and awareness raising activities	12
- drafting a petition to court or a complaint to a national	3
human rights institution	
- preparing an advocacy campaign	10
- obligations of government and non-state actors	6

b. The network could provide resources such as:

- facilitator or resource person for training programs,
 workshops or conferences relating to issues of minority
 rights and diversity
- an experienced person to work on an organisation's
 strategic plan for the protection and promotion of minority rights
- documents, reports, training materials and other paper resources regarding minority rights protection and promotion in the region, as well as information on those organisations and institutions that work in this area

Continued ►►►

12

Reference Sheet 6: Continued

5. Provide other comments as to how you think the ASN can be useful to you:

- The ASN also could explore and help organizations in mobilizing needed financial resources for activities planned for the protection of minority rights. (India)
- There should be a liaison person who can coordinate both ends. The following activities can be done through the ASN:
- circulate any material which has ben produced by any other member/organisation.
- send questionnaires every 3 months to get to know what the members / organizations have been doing and such information can be shared. (Pakistan)
- I need to know more information about the ASN before I can comment on that. (Pakistan)
- I think the most important interaction should be on changes in the law
 within each country, identify issues on which one country would need
 information from another to add to their national campaigns. A lot of
 issues and laws and precedents are common and one needs to see the
 commonality and the difference and use each others' specific
 experiences and knowledge. (India)
- My organization wants to do work regarding minority rights
 protection and promotion on a large scale, maybe a training
 programme or giving free legal aid. The ASN can give us advice how
 we would be successful to do work on a larger scale. (Bangladesh)
- The persons in the ASN should not be fixed persons. There may be some mechanism for replacement of persons within the ASN.
 (Bangladesh)
- ASN can provide support to formulate projects in the future.
 (Bangladesh)
- We will be glad if the ASN could provide the above mentioned resources so that we can do the ground work and logistics. (India)
- Funding. (Bhutan)

Reference Sheet 7—Guidelines for Researchers

Session 2 Activity 2

In accordance with the aim of the mapping process which inputs and complements the work being undertaken within the framework of advisory services, the role of the researchers is to contribute, more specifically, to the mapping process as a key element to the three major activities identified under the advisory services component of the project:

- the updating of an ICES Directory on Minority Rights Institutions in South Asia diversity issues
- the revision of the Statement of Principles on Minority and Group Rights in South Asia
- the elaboration of an advisory services project for the South Asian region upon completion of the current project by the end of 2004.
 - The results of the research will be contained in the form of a report which will be presented at the follow-up workshop and which will provide the base-line information and framework for the advisory services project.

The five priority themes below were identified during the 2003 regional workshop and are the basis for guiding the research work:

- access to natural resources (including water, food, land);
- access to justice (including denial of equality before the law);
- discrimination and exclusion (including in the areas of employment and education);
- promotion and protection of cultural diversity, and;
- autonomy and self-determination of individuals and groups within society.

These five themes are also covered, further detailed and articulated in the Statement of Principles which presents these themes in the form of rights, including:

- non-discrimination and affirmative action;
- the right of minorities to their identity and characteristics;
- diversity and intercultural education;
- freedom of religion;
- use of language in private and in public;
- the right to be taught and have instruction in their language;
- establish and manage their own unions, associations and institutions;
- participation in public and political life;
- devolution of power, autonomy and federalism, and;
- implementation and redress.



Materials Section

Reference Sheet 7: Continued

In order to facilitate the collection of information, and the presentation of this information in your report, may I suggest that you collect information only from your country and that you focus on the following six areas:

- 1. A brief description of the work and activities of organizations and movements in your country which are working directly with minorities or which have an impact on the promotion and protection of minority rights in your country. This information should include contact details of the organization and a brief description of relevant activities, in particular with respect to the five issues identified as priority areas during the 2003 workshop (see above). This information will complement that already contained in the ICES Directory which you should refer to for ease of reference. It would be useful to follow the same format as the Directory and please find attached the section on your country, for your information.
- 2. Information about publications on minority rights issues and questions of diversity for inclusion into the Directory in the form of a comprehensive bibliography.
- 3. Additional information regarding jurisprudence from your country relevant to each of the principles in the Statement. We are looking more precisely for court/tribunal decisions that interpret your constitution or legislation on the issues contained in each of the Principles. In addition, any information which you can provide on administrative measures, policies or acts of tribunals would be very useful. For your information, some Indian and Sri Lankan jurisprudence has already been cited in the text of the Statement of Principles.
- 4. Collect information on best practices/case studies/effective strategies and policies under the themes of each of the principles as well as the five priority areas. This could refer to information on best practices and/or case studies/effective strategies in your country which provide a better understanding of how minority protection as articulated in the principles could be more effectively implemented, and thereby provide examples of the successful promotion and protection of diversity in your country. These may include examples of positive measures adopted at any level of society towards greater respect of the rights reflected in the principles and the priority areas. The idea is to provide an insight of what can be done and what can work within a variety of circumstances at community, provincial and national levels in your country.

Continued ▶ ▶ ▶

Materials Section • • • • •

Reference Sheet 7: Cont'd

- 5. Gather information on how these principles are implemented or fail to be implemented in practice in your country. Although this Statement of Principles has not yet been circulated, the principles are drawn from international law and from the Universal Declaration of Human Rights which is applicable to all countries. More specifically, information on how the principles are actually being implemented in practice, and what measures your country has taken, or not, to make the rights contained in the Principles a reality on the ground, would be useful.
- 6. Information on remedial measures and redress available to individuals and groups whose minority rights have been violated. These may include measures adopted/offered by Government, human rights institutions, NGOs, conciliation mechanisms and other forms of conflict resolution. Particular attention should be paid to the themes of the principles and the five priority areas identified.

In your capacity as researcher under this project, we would be very grateful if you could please gather information under items 1-6 mentioned above and draft a report of a minimum of 50 pages which you will then present at the follow-up workshop scheduled for September 2004. Further details on the format of this presentation will follow in due course. The information you have collected will also be integrated into the revised text of the Statement of Principles which will also be presented during this workshop, and form the basis of an advisory services project.

You will be working closely with the members of the Core Group who are also involved in this project. The members, whose names and contact details are found below, will be responsible for reviewing the information you collect and for approving it. The members of the Core Group are responsible in particular in assisting in the revision and dissemination of the Statement of Principles and in supervising the research under the mapping process.

They will also participate in the follow-up workshop and assist in designing a regional proposal on advisory services in follow-up to the current project. Although you may be working in particular with the Advisory Services Core Group Member for your country, the other members have experience beyond their own country, of the region as a whole.

Reference Sheet 8—Advisory Services in South Asia – A Policy Framework

Session 2 Activity 2

Background

The ICES/CHRF Project on capacity building for human rights organizations to promote and defend diversity in South-Asia has, as one of its objectives, the development and consolidation of national and regional networks of human rights organizations working on diversity and minority issues through the provision of advisory services.

The goal of advisory services is:

 to enhance minority protection by providing advice, guidance, and support to all sectors of society, drawing primarily on regional expertise.

Preliminary discussions on the content and format of advisory services had already been held in April 2001, during a consultation of South Asian experts, organised by ICES. This resulted in the elaboration of a directory containing information relating to minority rights and diversity issues, including information on organisations working on these issues, and lists of relevant media contacts, documents, books and publications. In the first instance, advisory services, under this project, are intended to provide support to participants of the regional training workshop which was held from 4 to 9 October 2003 in Wadduwa, Sri Lanka. As a key component of the abovementioned project, advisory services are being set up for the purpose of implementing follow-up initiatives and contribute to the sustainability of the project activities.

A number of organizations and scholars have identified factors, which contribute to the vulnerability of minorities in South Asia. At a regional consultation on minority rights organised by the South Asia Forum for Human Rights in Kathmandu in 1998, several of these views were expressed. Factors identified included:

- The ideological nature of States in South Asia, which promote and maintain ethnic, linguistic or religious identities of majoritarian groups whilst unitary structures provide for majoritarian democracy.
- Politics is deemed to be communalized and religion politicized.

Materials Section • • • • • • • •

Reference Sheet 8: Cont'd

- The access to finite resources provides unequal opportunities for minorities.
- The propagation of ideologies, which promote forced assimilation threaten perceived minority identities.
- South Asia represents shared cultural, social and economic ties. With the advent of
 independent States, communalities are used for the purpose of promoting group
 interests, divided along majority/minority identities.

For the purpose of this policy framework for advisory services, our beliefs are founded on the right of diverse communities to enjoy distinct cultures, profess and practice their own religion, and use their own language in private and public without interference or discrimination. We also believe that diverse communities have the right to customary law and practice, including to communal land rights. Within these entitlements, an important consideration is that identities of communities are born through historical constructs but are nevertheless, constantly evolving. Hence, diversity must accommodate voluntary movement and choice of individuals to create and align with their distinct and multiple identities.

Objectives and Structure of the Advisory Services Network

Given this background, there is a need to provide a vision for and give direction to the advisory services program. In order to do so, it is suggested that we focus on issues of group and individual rights, rather than on majority and minority constructs. The policy framework on advisory services, therefore, should be influenced and guided by core principles of human rights. In this context, the provision of human security becomes a primary concern, to which advisory services should contribute to, within the context of the promotion, protection and preservation of the distinct identities, characteristics and heritage of communities, groups and individuals.

Objectives of the Advisory Services Network (Year 1-2004)

- Provide information and advice to participants and other clients on issues of protection and promotion of minority rights and diversity issues
- Update the directory on minority rights and diversity and make it available online on the ICES website

• • • • • • • • • • • Materials Section

Reference Sheet 8: Cont'd

- Consider proposals from the participants of the regional workshop for follow-up activities and provide support and modest funding for selected project proposals.
- Review (i.e., further legal elaboration with annotations) Statement of Principles tabled at the Working Group of Minorities in Geneva in 2003 and disseminate widely

Structure

The advisory services network would be comprised of:

- A Core Group to oversee the work
- A Secretariat or Coordinating Body to coordinate the activities, a role that ICES has offered to undertake
- National contacts to act as links between organizations at the national level and the regional level
- A pool of organizations and individuals actively involved in the protection and promotion of the rights of minorities and other diverse communities in each of the represented countries to act as resources for the network

Resources for the advisory services would be provided by a larger pool of organizations and individuals who have expertise in protecting the rights of minorities and promoting diversity, from each of the represented countries. These persons would provide information and advice relating to their work in the area of minority rights protection and promotion, and could be called upon when a participant or client required specific assistance in their work in similar areas. It was acknowledged that some participants or participant organizations attending the regional workshop could potentially be a part of this larger resource pool.

Materials Section • • • • •

Reference Sheet 9—Draft Statement of Principles

Session 2 Activity 2 Reference Sheet for all Groups

STATEMENT OF PRINCIPLES ON MINORITY AND GROUP RIGHTS IN SOUTH ASIA

Item 3 (b) – working group on minorities at its ninth session, May 2003

The major aim of this statement of principles on minority and group rights in South Asia is to effectively address minority issues and concerns, which cut across countries in South Asia and enhance regional responses. The statement includes 11 principles and an explanation of the meaning of these principles within the context of South Asia. The statement also contains an overview of the constitutional provisions which provide minority protection, and points to some of the major regional and international human rights standards from which each of the principles has been drawn. The principles themselves have been elaborated on the basis of the United Nations Declaration on the rights of persons belonging to minorities, international minority rights standards and, in the absence of regional standards in Asia, specific European instruments and documents, including commentaries thereto, as well as constitutional provisions and jurisprudence in the region. In particular, the principles have been adapted to the issues which are of relevance in South Asia and the circumstances in each of the five countries covered by this statement, namely, Bangladesh, India, Nepal, Pakistan, and Sri Lanka.

The issues covered by these principles have been identified during a meeting of experts from the countries of the region, which was organised by the International Centre for Ethnic Studies in January 2003. There may be additional issues of relevance, such as access of minorities to economic life, which could complement the principles included in this statement.

Principle 1 refers to the application of the principles which shall be observed by State and non-State actors, and shall apply to all groups and persons without distinction, irrespective of any citizenship, disenfranchised or other status. These principles complement existing norms and standards in human rights, refugee and humanitarian law.

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Materials Section

Reference Sheet 9: Continued

Principle 2 concerns non-discrimination and affirmative action. Minorities are often in a disadvantaged, arginalized and vulnerable position, therefore requiring special measures to ensure that they benefit from the same rights on a basis of equality with the rest of the population. Non-discrimination in this principle covers not only the usual grounds of non-discrimination but also those which are specific to minorities such as language, religion, and culture. In addition, this principle ensures full equality of all persons before the law, equal protection of the law and equal benefit of the law, and refers to the enactment of laws prohibiting genocide, hate speech and hate crimes. It also covers special measures of affirmative action, which shall however be discontinued after the objectives for which they were taken have been achieved.

Principle 3 covers the issue of the identity and characteristics of minorities. This is very important in the South Asian context as the wide variety of identities and the multiethnic, multireligious and multilinguistic composition of South Asian societies is neither sufficiently recognised, nor is the identity of minorities actively promoted. This principle goes beyond article 1 of the Declaration on the rights of persons belonging to minorities, in that a reference to personal laws is added, whereby measures to ensure that minorities enjoy their right to identity and characteristics shall not be taken where practices are contrary to international and regional standards, norms and principles or are in violation of national law. Furthermore, the principle allows a person belonging to a minority to be treated or not to be treated as such, an element drawn from the European Framework Convention.

Principle 4 refers to the promotion of diversity and intercultural education, aiming at combating prejudices and discrimination, and promoting tolerance intercultural dialogue and respect among all groups in society. Intercultural education, as reflected in school curricula, has been identified as a means to encourage the active participation of minorities in sharing knowledge and perspectives of their history, culture, traditions, customs, languages and practices. It also allows both minorities and majorities to appreciate their differences and similarities, and better understand each other through mutual respect and tolerance.

Materials Section • • • • •

Reference Sheet 9: Continued

Principle 5 concerns the right of minorities to freedom of religion. The right of minorities to profess and practice their own religion is of particular relevance in South Asia where religious issues and factionalism have come to dominate much of the political discourse, and have sharpened the expression of identity. This principle details the particular activities which amount to freedom of religion, including: the right to receive or impart instruction of the religion or belief of the minority; the right to freely change one's religion or belief; to publish and disseminate religious materials; establish, manage and maintain religious institutions; train, appoint, elect or designate by succession appropriate religious leaders; and observe religious holidays.

Principle 6 refers to the right of minorities to use their own language in private and in public. In South Asia as elsewhere, language is a very personal matter closely connected with identity. Language is also an essential tool of social organisation, which, in many situations becomes a matter of public interest. The use of minority language represents one of the principal means by which minorities can assert and preserve their identity, and the use of language bears on many aspects of the functioning of South Asian States. This principle includes the right of minorities to freely express opinions and beliefs, and receive and impart information in their own language; use their language in private and public gatherings, for the production and airing of public and private radio and television programmes, as well as in the creation, development and use of written materials. The principle also allows minorities to use their own surnames and first names in the minority language, and to post signs, inscriptions, commercial and other information in their own language. Minorities may also use their own language in their relations with administrative authorities and shall have the right to acquire civil documents and certificates, both in the official and minority languages.

Principle 7 grants minorities the right to be taught their own language and have instruction in their language, and refers to a series of measures which may be taken to ensure this right. The implementation of this right will depend on the context of the particular situation, including whether the number of students in part of a territory warrant such measures, there is a demand for such measures, and the State is able to commit the necessary resources to respond to such demands. This principle reflects a,

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Reference Sheet 9: Continued

sliding scale, drawn from the European Charter for Regional or Minority languages, regarding the extent to which minorities may be taught and have instruction in their own language. This ranges from making available kindergarten, pre-school, primary secondary, university, higher and vocational education in the minority language to making available only a substantial part of primary, secondary and vocational education in the minority language, to teaching the minority language at all levels of the educational system.

Principle 8 refers to the right of minorities to establish and manage their own unions, associations and institutions. Granting minorities the right to freely associate and to establish and maintain their own institutions contributes to their effective participation in public and political life, and to the maintenance of their own identity and characteristics. Reference is made to the prohibition of any form of discrimination or interference in the establishment and maintenance of such institutions, and the freedom of minorities to seek funding for such institutions from the State, and local, regional and international sources, as well as from the private sector.

Principle 9 concerns the effective participation of minorities in public and political life. Effective participation is necessary to ensure that minorities are respected, recognised and heard. As no single formula exists that is appropriate to all minority situations in South Asia, this principle focuses on various options for minorities to effectively participate. They range from consultations to the preparation, implementation and assessment of national and regional programmes and plans to participate in decisions and elections, as well as to be represented and to hold office. The principle also grants minorities the right to participate in the conduct of public and political affairs directly or through freely chosen representatives, and lists a whole range of measures which could be taken to this effect. Reference is also made to the prohibition of measures which alter the proportions of the population in areas inhabited by minorities with the aim of influencing minority representation in elections or for other political purposes.

Principle 10 refers to devolution of power, autonomy and federalism. In South Asia, devolution of power, autonomy and federalism may be necessary to ensure effective participation of minorities in decision-making. These arrangements, which affect the political organisation of multicultural States, allow for the accommodation of minorities

Materials Section • • • • •

Reference Sheet 9: Continued

and a degree of independence of minority communities in managing their own affairs, in accordance with circumstances at local level. This principle covers a variety of arrangements, ranging from self-administration on a non-territorial basis, to decentralised or local forms of self-government or autonomous arrangements, to a federal system of government.

Principle 11 concerns effective implementation and redress, ensuring that the rights guaranteed in domestic legislation and in international conventions and declarations are effectively implemented and protected. When confronted with violations of their rights, minorities must often overcome significant obstacles in order to access the judicial system and other domestic human rights protection mechanisms. This principle provides for institutions to be established and strengthened, responsible for implementing rights, addressing violations and providing redress. It also grants minorities effective remedy and compensation for violations of their rights and easy access to all courts and tribunals, at national and international levels, as well as conciliation and mediation mechanisms. A reference is also made to easy access to the United Nations treaty bodies and complaints procedures.