



PROTECTING MINORITY RIGHTS AND DEFENDING DIVERSITY IN SOUTH ASIA

REVISED EDITION

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

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Dipartimento federale degli affari esteri
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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 – <i>“Capacity-Building for Human Rights Organisations to Promote and Defend Diversity in South Asia”</i>
10.45 – 11.15	<i>BREAK</i>

Session 2: Reviewing Project Activities to Date

11.15 – 12.00	Activity 1: Reviewing the Strategic Visioning Process
12.00 – 13.30	<i>LUNCH</i>
13.30 – 15.30	Activity 2: Preparing Small Group Presentations
15.30 – 16.00	<i>BREAK</i>
16.00 – 17.00	Activity 2: Continued
17.00 – 17.15	<i>Reflection on Day 1</i>

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	<i>BREAK</i>
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	<i>LUNCH</i>

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 Two

Activity 2 cont'd

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 ▶▶▶

*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 ● ● ● ● ● ● ● ● ● ● ● ● ● ● ● ●

Activity 3 Continued

12.00 - 13.30	<i>LUNCH</i>
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	<i>BREAK</i>
15.30 - 16.30	Q & A/Plenary Discussion

*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 The Fifth Discipline Field Book, Senge, Peter, 1994.

End of Activity ■

Session Three ● ● ● ● ● ● ● ● ● ● ● ● ● ● ● ●

Activity 3: Situating Ourselves in the Vision

Objectives

- To elicit ideas for national level initiatives 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 ■

Materials Section

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 water, food, land)	<ul style="list-style-type: none"> a) Denial of access to basic resources such as safe drinking water, food, and land, including equal access to land and land tenure. 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 law)	<ul style="list-style-type: none"> 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. b) Processing of complaints of violations of the rights of minorities and effective redress including remedies and compensation.
Discrimination and exclusion (including in the areas of employment and education)	<ul style="list-style-type: none"> a) Discrimination and exclusion on the basis of, <i>inter alia</i>, caste, gender, religion, ethnicity, language and culture. 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	<ul style="list-style-type: none"> a) Promotion of culture as an essential political factor, which in multicultural states enhances cultural diversity based on universal values. 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	<ul style="list-style-type: none"> 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.

*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

Continued ▶▶▶

*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*Continued ▶▶▶*

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

Continued ▶▶▶

*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

Continued ▶▶▶

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,
2. 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

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)*

Continued ▶▶▶

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 institution | 6 |
| - 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 human rights institution | 3 |
| - 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 | 8 |
| - an experienced person to work on an organisation's strategic plan for the protection and promotion of minority rights | 5 |
| - 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 | 12 |

Continued ►►►

*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 9: Continued

Principle 2 concerns non-discrimination and affirmative action. Minorities are often in a disadvantaged, marginalized 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.

Continued ▶▶▶

