



Aristotelio College Model United Nations

United Nations Human Rights Council (UNHRC)

Ensuring the representation of minorities in domestic government Study Guide

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1. Welcoming Letter:

Honorable delegates,

As your board, it is our utmost pleasure to welcome you to this year's United Nations Human Rights Council. We are deeply honored to witness your willingness to participate in this year's ARCMUN, especially in our council, so as to gain knowledge upon the procedure and function of the United Nations, become eloquent public speakers, develop your debate and communication skills and discover a new insight on world issues, such as the topic of our committee. Therefore, a very interesting yet demanding topic was selected to let you experience the real essence of the Human Rights Council; ensuring the representation of minorities in domestic government. The main purpose of this topic is the promotion and enforcement of the rights of minorities so as to achieve adequate political representation in their respective domestic governments.

The information within this study guide will be more than sufficient to fully comprehend the topic under discussion and be ready for our debates in the conference. But in order to produce a sustainable resolution for this goal, your active involvement in the debate is crucial.

Additionally, we ought to point out that we are always at your disposal in case you have any questions regarding our committee and/or our topic

We are beyond excited to work with you and we promise to deliver to the best of our abilities!

Kind regards,

Theodoros Vasilopoulos, Main Chair

Georgia Vasiou, Co-Chair

Stylianos Kechagias, Co-Chair

2. Introduction to the Committee:

The United Nations Human Rights Council (HRC) was established by the United Nations General Assembly on March 15th 2006. It is the intergovernmental body of the UN that specializes in the protection and promotion of human rights, the majority of which are violated especially in times of war, xenophobia and hate.

All countries at the United Nations participate in the work of the Human Rights Council, though only a certain amount of them are in the position to make decisions and take on initiatives. There are 47 countries inside the Human Rights Council with this authority and all member states at the United Nations take part in choosing these countries.

The United Nations Human Rights Council's main task is to basically guarantee the protection of people's rights and make sure they are able to completely understand them, check if all people have the ability to properly exercise their rights and what measures governments take (or need to take) in order to protect the rights of people in their countries, along with checking if governments do what they've officially agreed on at the United Nations. Finally, it helps people whose rights were violated in any manner.¹

3. Introduction to the Topic:

The existence of ethnic, religious and linguistic minorities, that enriches the composition of modern societies, has always been one of the UNHRC's main topics of discussion. Minorities have proven to be essential for the development of an inclusive society that has its roots to democracy. The effective participation of minorities in the decision-making process is truly a milestone for modern societies and ensures the complete integration of them in the social, cultural and political life.

Despite the existence of laws that protect these important groups, more often than not, these minorities have to face multiple forms of discrimination and in some cases exclusion. Hundreds of people who identify themselves as part of a minority are excluded from the society and are denied of their citizenship on the grounds of their special identity.²

Especially in times of xenophobia and significant rise of conservative political parties the minority rights are violated on the grounds of building strong and pure national identities. Thus, minorities end up to be excluded from this process and tend to be suspicious or, in some cases, a threat for national security.

¹ Ohchr.org. (2018). *OHCHR | HRC Welcome to the Human Rights Council*. [online] Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> [Accessed 21 Dec.2018]

² Ohchr.org. (n.d.). *Welcome to the Human Rights Council*. [online] Available at: <https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx> [Accessed 21 Dec.2018]

4. Definition of Key Terms:

Minority: According to the United Nations Minorities Declaration, a minority is any group of people who experiences a numeric disadvantage in comparison with the members of the dominant society and is distinguished because of its specific ethnic, religious, cultural and linguistic identity. However, on a diplomatic level there is no agreement on which group should be considered as a minority. This is mainly because of various objective factors - such as the existence of a shared ethnicity, language or religion - and subjective ones -for instance individuals must identify themselves as part of the minority- that should be taken under consideration.³

Domestic Policy: Domestic policy is the set of administrative decisions that a government makes in order to address the problems that directly affect the people within the nation's borders. Domestic policy covers a wide range of topics, including economics, education, personal rights and freedoms, environmental issues, law enforcement etc.⁴

Minority Rights: Minority rights refer not only to normal individual rights and fundamental freedoms (the freedom of religion, the right of enjoying their own culture, the usage of their language etc), but also collective rights, such as the participation in the society that an individual belongs to. The protection and promotion of minority rights can ensure social stability and cooperation among peoples and states.⁵

Political Representation: Political representation has its roots in representative democracies, and is practiced by democratically elected citizens who are representing fellow citizens. Political representation is practiced in the parliament or in a committee. In both cases, the decisions that are made are on behalf of the absent, represented people, and they should not be directed by the politician's personal beliefs.⁶

Empowerment: Empowerment, in a political sense, is the procedure that allows people to increase control over their own lives and the decisions that affect them. It is the process that provides people with the right of expression and, as a result, helps them gain more control when it comes to domestic policy issues. Empowerment is starting to adapt to social development

³ Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. (1992). [online] Available at: <http://www.un.org/documents/ga/res/47/a47r135.htm> [Accessed 21 Dec.2018]

⁴ Minority Rights: International Standards and Guidance for Implementation. (2010). [ebook] New York and Geneva. Available at: https://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf [Accessed 21 Dec.2018]

⁵ Forum on Minority Issues. (2011). [ebook] Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/MinorityIssues/Forum_On_Minority_Pub_en_low.pdf [Accessed 21 Dec.2018]

⁶ Mohácsi, V. (2009). *Forum on Minority Issues*. [ebook] Geneva: United Nations Human Rights Council. Available at: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session10/A-HRC-10-CRP-2_en.pdf [Accessed 21 Dec.2018]

groups, such as the poor, the elderly, people with disabilities and ethnic, religious and linguistic minorities. In conclusion, empowerment is the provision of tools and education to people in order to prompt them to participate in the cultural, economic and governmental aspects of the communities they are part of.⁷

5. History of the Topic:

In spite of the fact that the cutting-edge idea of human rights rose amid the 18th century, it was on December 10, 1948, that the story started vigorously, with the adoption of the Universal Declaration of Human Rights by the UN general assembly.⁸The revelation emerged from the cinders of the Second World War and planned to dispatch another, more brilliant period of international relations. It provided a significant rundown of rights, the greater part of which is the recognizable "political" rights.

Discussions concerning integration and accommodation are a natural element of the domestic political existence of numerous nations. In any case, these debates progressively have also a universal dimension. Worldwide associations can have an important impact on the way state–minority relations are confined and settled, underwriting a few models of accommodation while debilitating others.

Established in 1982, the UN Working Group on Indigenous Populations⁹ has filled in as the operational hub for an energetic transnational system of activists, non-governmental associations (NGOs), academics, philanthropic foundations, and policy makers; with considerable success, this system has diffused the thoughts and standards contained in the draft affirmation on indigenous rights. It has been proven substantially effective in empowering and legitimizing the assembly of indigenous people groups in Latin America. In spite of this, the Working Group has not turned into the locus of a worldwide network with regards to minority rights. What's more, despite the fact that the UN's affirmation on minority rights has a clearer regulating status than the draft assertion on indigenous rights—since it has been received consistently by the General Assembly—the previous has not had almost a similar open effect and is infrequently summoned by minorities around the globe.

The UN approach has the virtue of simplicity. As to indigenous people groups, its methodology is generally and appropriately observed as valuable, helping to empower historically subordinated groups and to disseminate best practices for the effective participation and self-government of indigenous people.¹⁰ More and more states voted in favor of minority rights, in

⁷ Un.org. (2012). *Empowerment: What does it mean to you?*. [online] Available at: <https://www.un.org/esa/socdev/ngo/outreachmaterials/empowerment-booklet.pdf>.

⁸ Universal Declaration of Human Rights. (1948). [ebook] Paris. Available at: https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf [Accessed 30 Dec.2018]

⁹ Ohchr.org. (2018). *OHCHR | Working Group on Indigenous Populations*. [online] Available at: <https://www.ohchr.org/en/issues/ipeoples/pages/wgip.aspx> [Accessed 30 Dec.2018]

¹⁰ Cruz-Saco, M. (2018). *Indigenous communities and social inclusion in Latin America*. [ebook] New York. Available at: <https://www.un.org/development/desa/family/wp-content/uploads/sites/23/2018/05/2-1.pdf> [Accessed 30 Dec.2018]

the 1990 Copenhagen declaration of the Conference on Security and Co-operation in Europe (CSCE).¹¹

The Traditional Leadership and Governance Framework Act of 2003¹², which became a landmark in promoting social equity and minority rights representation, has provided that any parliamentary bill pertaining to customary law or customs of traditional communities must be referred, before it is passed by the House of Parliament where it was introduced, by the Secretary to Parliament to the National House of Traditional Leaders for its comments. The National House of Traditional Leaders must, within 30 days from the date of such referral, make any comments it wishes to make.

On 28 September 2007, the United Nations Human Rights Council built up a Forum on Minority Issues.¹³ The Council visualized the Forum giving a "sanctuary" for dialogue and collaboration on minority issues and commanded it with the assignment to distinguish and investigate best practices, difficulties, openings and activities for further practice of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Forum continues to give thematic contributions assist with the work of the United Nations Independent Expert on minority issues, and delivers topical suggestions for use by every one of those worried about minority issues. The Forum additionally adds to endeavors to enhance participation inside the United Nations framework identifying with the advancement and insurance of the privileges of minorities.

Approximately 11 years have gone since the UN Declaration on the Rights of Indigenous People¹⁴ was received by the General Assembly. Today, the Declaration is the most extensive global instrument concerning the privileges of indigenous people groups. It builds up a general system of minimum standards for the survival, nobility and prosperity of the indigenous peoples of the world and it expounds on existing human rights principles.¹⁵

6. Legal Framework:

- a. **International Covenant on Civil and Political Rights:** The ICCPR ensures an extensive variety of rights, a large number of which are frequently called "civil rights" or "civil liberties" in domestic law. Civil and political rights are the rights that generally restrict the powers of the government in respect of actions affecting the individual and his or her autonomy (civil rights), and confer an opportunity upon people to contribute to the

¹¹ CSCE. (2018). *Conference on Security and Cooperation in Europe*. [online] Available at: <https://www.csce.gov/international-impact/events/conference-security-and-cooperation-europe>. [Accessed 30 Dec.2018]

¹² TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT 41. (2003). [ebook] Available at: http://www.cogta.gov.za/cgta_2016/wp-content/uploads/2016/06/TLGFA-Traditional-Leadership-and-Governance-Framework-Act-2003-Act-No-41-of-2003.pdf [Accessed 21 Dec.2018]

¹³ Ohchr.org. (2018). *OHCHR / Forum on Minority Issues*. [online] Available at: <https://www.ohchr.org/en/hrbodies/hrc/minority/pages/forumindex.aspx>.

¹⁴ Un.org. (2019). *Universal Declaration of Human Rights*. [online] Available at: <http://www.un.org/en/universal-declaration-human-rights/> [Accessed 21 Dec.2018]

¹⁵ Un.org. (2018). *United Nations Declaration on the Rights of Indigenous Peoples / United Nations For Indigenous Peoples*. [online] Available at: <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html> [Accessed 21 Dec.2018]

determination of laws and participate in government (political rights).The ICCPR is the main worldwide treaty that incorporates an arrangement explicitly alluding to minority rights and their rights on their portrayal at the electoral system.¹⁶

- b. **Committee on the Elimination of Racial Discrimination:** The Committee on the Elimination of Racial Discrimination (CERD) has taken under consideration exploitation of minorities in its examination of the reports submitted to it by States. The minority representatives who wish to give relating or elective data to an administration's portrayal of the way minorities are dealt with, within a country, should focus on these reports and promote its' information. A State's commitment under the ICERD stretches out not exclusively to its own behavior but also to those of other public authorities. The rights that must be ensured without racial segregation are determined in Article 5 and also those in other universal human rights treaties. They include equal treatment between legal bodies, the privilege to take an interest out in public affairs and provide equal access to open administration, opportunity of development and living arrangement, freedom of expression, as well as the privilege of moving to every destination they want.¹⁷
- c. **UN 2030 Sustainable Development Agenda:** By 2030, this plan hopes to enable and advance the social, financial and political participation of all, irrespective of age, sex, inability, race, ethnicity, birthplace, religion or any kind of status establishment and additionally fortifying of anti-discrimination and equality of treatment enactment, arrangement and practice explicitly with respect to nationality and national starting point. Markers to measure a) how nationality and national origin are distinguished and separated b) how explicit law affects the presence and character of national minorities, with its' strategy and measures forestalling segregation on premise of nationality and birthplace.¹⁸
- d. **Inter-Parliamentary Union:** The Inter-Parliamentary Union (IPU) and the United Nations Development Program (UNDP) are attempting to comprehend and advance the successful representation of minorities and indigenous people groups in parliament. The objectives of this undertaking are to:
- Increase knowledge of the portrayal of minorities and indigenous people groups in parliament
 - Provide tools for parliaments and different partners to advance inclusive parliaments
 - Build capacity to advocate for progressively comprehensive parliaments.¹⁹

¹⁶ Ohchr.org. (2018). *OHCHR | International Covenant on Civil and Political Rights*. [online] Available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [Accessed 21 Dec.2018]

¹⁷ Ohchr.org. (2018). *OHCHR | Committee on the Elimination of Racial Discrimination*. [online] Available at: <https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx> [Accessed 21 Dec.2018]

¹⁸ The Sustainable Development Goals and Migrants/Migration. (2018). [ebook] Available at: https://www.un.org/en/development/desa/population/migration/events/coordination/14/documents/backgrounddocs/GMPA_14CM.pdf [Accessed 30 Dec.2018]

¹⁹ Protsyk, D. (2018). [online] Archive.ipu.org. Available at: <http://archive.ipu.org/splz-e/Chiapas10/overview.pdf> [Accessed 21 Dec.2018]

7. Discussion on the Topic:

Generally speaking, it is widely remarked that even though there has been substantial progress in the active involvement of minorities and indigenous people in parliament, there is still room for improvement and some challenges may possibly arise (policy accommodation, recognition of ethno-cultural diversity etc.) before achieving sustainable political representation. Insufficient representation of minorities in parliament could potentially lead to deficient parliamentary and societal awareness of minority/indigenous issues and therefore inadequate enactment on said issues, which could result in minorities feeling disadvantaged or entirely excluded from the decision-making procedure.²⁰ As far as the equal participation, representation and empowerment of minorities in domestic government are concerned, the following countries constitute a unique variety of study cases;

- e. **Romania:** Romania presented a unique electoral provision for ethnic minorities in the mid 1990s. The arrangement is often classified as a reserved seat measure yet its premise is exception from the electoral threshold: the Romanian legislation grants one seat in the lower chamber of parliament for every minority group that has been neglected throughout the electoral procedure. Minorities can send their representative to parliament provided they receive at least 10 percent of the average number of votes required for the election of one deputy. The limit of one seat for every minority assemble forced by constitutional controls implies that in situations where a few organizations from the same ethnic group compete, just the one with the biggest number of votes gets a seat in parliament.²¹ There were 11 distinctive ethnic minority groups that exploited these arrangements and managed to increase saved seat portrayal. Though the participation and representation concerning the Hungarian minority has been remarkable (the “Democratic Alliance of Hungarians in Romania” has had a strong political and parliamentary presence since 1989), securing a bigger presence of deputies of other minorities -such as the Roma- in the Romanian parliament would undoubtedly enhance its ability to adequately address their issues.²²

- f. **Australia:** Australia, although a multicultural nation, carries a long tradition of barriers to the participation, empowerment and representation of ethnic and racial minorities. It was in 1971 that Neville Bonner became the first indigenous person to be elected to Federal Parliament. It took another 32 years for an indigenous person to get elected to the New South Wales parliament and since then there have been officials predominantly in the lower house of the parliament. There are threshold barriers, such as the fact that non-citizens do not possess the right to vote and for an immigrant nation such as Australia this essentially means that

²⁰ Archive.ipu.org. (2019). [online] Available at: <http://archive.ipu.org/splz-e/chiapas10/overview.pdf> [Accessed 21 Dec.2018]

²¹ THE MAY 1990 ELECTIONS IN ROMANIA. (1990). [ebook] Available at: http://www.iri.org/sites/default/files/fields/field_files_attached/resource/romanias_1990_presidential_and_parliamentary_elections.pdf. [Accessed 21 Dec.2018]

²² Archive.ipu.org. (2018). [online] Available at: http://archive.ipu.org/splz-e/Chiapas10/romania.pdf?fbclid=IwAR1oHxaSe8MzE3kFstn7SrMksdcC1-ES9Z0pReDtcy6st_yh4FRB2qna8cg [Accessed 21 Dec.2018]

members of many ethnic and racial minority groups are highly prone to be isolated. Furthermore, the Australian Constitution prohibits any person holding dual or multiple citizenship from standing for any federal parliamentary office, again excluding a big portion of ethnic and racial minorities from representation and political participation. On the other hand, concerning structural barriers, to achieve nomination for a parliamentary election one must more often than not join one of the major Australian political parties and successfully pass their pre-selection process. Minorities, including indigenous people, find it quite a feat since “the model of the parliamentarian is a 35-60 year-old white male”. A further adversity faced largely by members of ethno cultural minority groups is that the localized geographical nature of electorates usually favors candidates born in the areas they represent. A person coming from a non-English speaking background (NESBI) – born outside Australia, and lacking a background of long residence – is naturally disadvantaged.²³

- g. **Canada:** Visible minority participation, empowerment and representation in Canadian politics have increased slowly but steadily over the past two decades. The relatively low level of participation and representation of minorities in Canada’s big cities remains baffling. There is often the assumption that local politics is more accessible to minority groups. Defining factors including; smaller electoral districts, cheaper electoral campaigns, a more flexible party structure, and residential concentration among some ethnic groups, are regularly assumed to make it easier for members of generally disadvantaged groups to become elected officials. When it comes to comparison with other member states, evident participation, empowerment and representation of minorities at the national level are at least as high in Canada as in countries like Denmark, and at the same time, much higher than those in France. However, empowerment and representation at the local level, although on a high level in Canada, remain much lower than such in Denmark.²⁴

In a broad sense, there has been legislative action to provide minorities with some procedural accommodation of their participation in the policy-making process, enabling mechanisms to promote the empowerment of minority representation. Such measures have been implemented due to either national or international initiatives so that domestic governments reflect the social diversity of their citizens, which signatures a vital element of democratic parliaments. Domestic governments constitute a major role in the integration of minorities within society, as well as the promotion of effective representation of minorities and indigenous peoples in parliament. A parliament is only as inclusive as the legislative measures of its domestic government.²⁵

²³ Parliament.nsw.gov.au. (2018). [online]. Available at: <https://www.parliament.nsw.gov.au/researchpapers/Documents/the-political-representation-of-ethnic-and-racia/PoliticalRepFINALandINDEX.pdf> [Accessed 21 Dec.2018]

²⁴ Web.pdx.edu. (2018). [online] Available at: http://www.web.pdx.edu/~mev/pdf/PS410_Readings_2014/Bird.pdf [Accessed 21 Dec.2018]

²⁵ Archive.ipu.org. (2019). *IPU: Promoting inclusive parliaments (overview)*. [online] Available at: <http://archive.ipu.org/dem-e/minorities/overview.htm> [Accessed 21 Dec.2018]

8. Questions to be addressed:

- Which groups can be recognized as ethno cultural and racial minorities?
- What are the social benefits of having a minority representative in the governmental system?
- How can the UN empower members of ethnic and racial minorities faced with discrimination to exercise their political rights?
- How can the United Nations further pursue action without interfering with the national sovereignty of the member states?
- In which ways may minorities be empowered by the majority of each member states' people to take part in domestic government?
- Is it a prerequisite for a constitution to guarantee political representation for ethnic minorities?
- How can domestic laws become more efficient in order to include the representation of minorities?
- How can the utilization of traditional and modern mass media lead to raising awareness on the matter of equal representation of minorities in domestic government?
- What is the role of language in domestic government procedures and official governmental files so as to ensure the empowerment, participation and representation of ethnic and perhaps linguistic minorities?
- How can member states implement the existing guidelines, such as the "OSCE Guidelines to assist National Minority Participation in the Electoral Process"²⁶ to ensure the representation of minorities in domestic government?

9. Conclusion:

While the world is currently going through an unprecedented era of migration, millions of people of different ethnic and cultural backgrounds are searching on a daily basis for better living options, fleeing states of oppression and/or seeking essential human rights manhandles. One of the most pressing issues of constitutional design concerns the status and treatment of the ethno cultural minorities that are shaped inside each country, whether they are pre-existent or they have recently relocated there. For this cause, a significant number of human rights arrangements have been approved by most member states. However, it appears that the human rights agenda has fallen on harsh occasions. It is a general truth that governments continue to violate human rights with impunity. Hopefully, through the work and the progress conducted by the UNHRC, a fair and sustainable society may be achieved, one where all people are represented equally in their respective domestic government.

26 Osce.org. (2018). [online] Available at: <https://www.osce.org/odihr/elections/17569?download=true>

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