



**Office of the United Nations
High Commissioner for
Human Rights**

**TOWARDS DEVELOPING COUNTRY
ENGAGEMENT STRATEGIES
ON MINORITIES**

**AN INFORMATION NOTE FOR OHCHR STAFF AND
OTHER PRACTITIONERS**



ACKNOWLEDGEMENTS AND A REQUEST FOR FURTHER COMMENTS
--

The present information note was prepared by the Office of the High Commissioner for Human Rights (OHCHR) at the request of and in cooperation with the Inter-Agency Group on Minorities. This Group has been meeting since 2004 and includes OHCHR, United Nations High Commissioner for Refugees (UNHCR), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Educational, Social and Cultural Organization (UNESCO), Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Institute for Training and Research (UNITAR), International Labour Office (ILO), United Nations Conference on Trade and Development (UNCTAD) and World Health Organisation (WHO). It seeks to implement article 9 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities which requires the specialized agencies and other organizations of the United Nations system to contribute to the full realization of the rights and principles set forth in the Declaration, within their respective fields of competence.

Earlier drafts of this note were shaped greatly from inputs from the Group. OHCHR wishes to express thanks to all the contributors, although final responsibility rests of course with OHCHR.

The OHCHR is launching this information note as an online work in progress and wishes to solicit feedback on its usefulness as well as suggestions for improvement before its final paper publication, especially from practitioners in the field. Feedback and comments can be sent to minorities@ohchr.org.

CONTENTS

I. INTRODUCTION	1
II. DEFINITIONS, STANDARDS AND MECHANISMS	2
1. Who can be identified as minorities under international law?	2
2. Do minority rights apply to non-citizens?	2
3. What is the relationship between non-citizens, minorities and statelessness?	3
4. Who are indigenous peoples and are they considered minorities?	4
5. What groups are currently not considered minorities for purposes of international law?	5
6. What are the main areas of concern regarding the protection of the rights of minorities?	5
7. What are the main international human rights instruments relating to minority issues?	8
8. What are the international human rights mechanisms available to address issues concerning minorities?	12
III. PROGRAMMING AND ACTION	18
9. How can UN staff develop strategies to address the situation of minorities?	18
A. Understanding and assessing the situation of minorities in a given country	18
B. Structures and settings to improve the situation of minorities	19
C. Identifying priorities to address the situation of minorities	20
D. Awareness-raising and public information	25
10. What are the particular issues concerning persons belonging to religious minorities that may require greater attention?	25
11. Does the situation of minority women require particular attention?	27
12. Are there instruments that are especially relevant for monitoring the situation of minority children?	29
13. Do the promotion and the protection of the rights of minorities help in conflict prevention and conflict resolution?	30
14. How can we better ensure the effective participation of minorities in the work of the UN?	31
15. What activities are the United Nations currently undertaking to provide human rights capacity-building of minority representatives and minority communities?	32
IV. ANNEX	34
Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities	34

I. INTRODUCTION

All countries in the world have national or ethnic, linguistic and religious minorities within their populations. In recent years, a well-defined interest in tackling issues affecting these minorities has emerged. Awareness is growing that by meeting the legitimate interests of national or ethnic, religious and linguistic groups the principles of the United Nations Charter may be furthered. Thus, minority rights are being increasingly recognized as an integral part of the United Nations' work for the promotion and protection of human rights, sustainable human development, peace and security.

International human rights standards, in particular the International Covenant on Civil and Political Rights and the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Minorities Declaration), recognize and protect the rights of persons belonging to minorities. In practice, however, these rights are far from being realized.

The promotion and protection of the rights of minorities requires particular attention to issues such as the recognition of minorities' existence; efforts to guarantee the rights to non-discrimination and equality for minorities; the promotion of multicultural and intercultural education nationally and locally; the promotion of their participation in all aspects of public life; the inclusion of their concerns in development and poverty-reduction processes; the disparities in social indicators such as employment, health and housing; the situation of women and the special concerns of minority children.

Minorities are also often the victims of armed conflicts and internal strife worldwide. The situation of refugees and internally displaced persons from minority backgrounds and in particular women and children belonging to these groups is of special concern. Persons belonging to national or ethnic, religious and linguistic minorities are also often victims of multiple discrimination and they may lack access to, among other things, a nationality, adequate housing, land and property.

Since country engagement and a human rights-based approach are the keys to finding durable solutions to the plight of minorities, the present information note was prepared by the Office of the High Commissioner for Human Rights (OHCHR) to help to make staff of the OHCHR and colleagues in other UN organizations and specialized agencies more aware of the issues minorities face and the rights that they are entitled to. It is hoped that the information note will assist UN colleagues, when they are working at the country level, to better contribute to the strengthening of programmes for minorities based on the rights established in international human rights instruments and in the provisions set out in the UN Minorities Declaration.

The information note is organized as a series of questions and answers that aim to provide practitioners with basic information about United Nations definitions, standards and mechanism related to minorities (Part II) and ideas and practical checklists for developing country engagement strategies on minority issues (Part III).

II. DEFINITIONS, STANDARDS AND MECHANISMS

1. Who can be identified as minorities under international law?

There is no internationally agreed definition of which groups constitute minorities. The difficulty in arriving at an acceptable definition lies in the variety of situations in which minorities live. Some live together in well-defined areas, separated from the dominant part of the population, while others are scattered throughout the country. Some minorities have a strong sense of collective identity or a well-remembered or recorded history; others retain only a fragmented notion of their common heritage.

The term minority as used in the UN human rights system refers to national or ethnic, religious and linguistic minorities, as laid out in the UN Minorities Declaration. All States have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic or religious identity, which differs from that of the majority population.

In practical terms, a definition made in 1977 by Francesco Capotorti, Special Rapporteur of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, can be useful. According to Capotorti, a minority is:

“A group numerically inferior to the rest of the population, in a non-dominant position, consisting of nationals of the State, possessing distinct ethnic, religious or linguistic characteristics and showing a sense of solidarity aimed at preserving those characteristics.”¹

In most instances a minority will be a numerically smaller section of the population, but in other cases a group which is numerically in the majority can find itself in a minority-like or non-dominant situation, such as Blacks under the Apartheid regime. In some situations, a group which constitutes a majority in the State as a whole may be a minority within a particular region of a State.

In addition, it has been argued that the use of subjective criteria, such as a will on the part of the members of the groups in question to preserve their own characteristics and to be accepted as part of that group by the other members, combined with certain specific objective requirements, such as those listed in the Capotorti definition, should be taken into account. It is now commonly accepted that recognition of minority status is not solely for the State to decide, but should be based on both objective and subjective criteria.

2. Do minority rights apply to non-citizens?

Under the provisions of human rights treaties, all persons subject to or under the jurisdiction of a State are to have their rights protected. Express exceptions to this rule relate, *inter alia*, to political rights applying to citizens. Flowing from the interpretation of international treaties, the rights of persons belonging to minorities to “exist” and enjoy their own culture, religion or language are deemed to apply to non-citizens.²

¹ E/CN.4/Sub.2/384/Rev.1, paragraph 568.

² See also CCPR/C/21/Rev.1/Add.5, paragraph 5.1.

The Commentary to the UN Minorities Declaration (see questions 7 and 8 below) states that “while citizenship as such should not be a distinguishing criterion that excludes some persons or groups from enjoying minority rights under the Declaration, other factors can be relevant in distinguishing between the rights that can be demanded by different minorities.”³ For example, “those who have been established for a long time on the territory may have stronger rights than those who have recently arrived.”⁴ It suggests that “the best approach appears to be to avoid making an absolute distinction between ‘new’ and ‘old’ minorities by excluding the former and including the latter, but to recognize that in the application of the Declaration the ‘old’ minorities have stronger entitlements than the ‘new’.”⁵

In the practice of international law, certain minority rights have been deemed applicable to recently-arrived migrant groups who share a certain ethnic, religious or linguistic identity. In any case, all migrant, refugee, stateless and non-national groups are protected against discrimination by the general provisions of international law, and have additional rights guaranteed in, for example, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention relating to the Status of Stateless Persons; the 1951 Convention relating to the Status of Refugees; and the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live.

3. What is the relationship between non-citizens, minorities and statelessness?

A particular problem relating to minorities and citizenship is that all too often members of certain groups experience the denial or deprivation of their citizenship based on their national or ethnic, religious and linguistic characteristics. This practice is contrary to international law, particularly in regard to article 9 of the 1961 Convention on the Reduction of Statelessness which states that “a contracting State may not deprive a person or group of persons of their nationality on racial, ethnic, religious or political grounds.” It is thus important to note that serious discrimination against a person, including the arbitrary deprivation of nationality, based on his/her minority status may constitute grounds for seeking international protection and may qualify him/her for refugee status.

Most of the world’s estimated 15 million stateless persons also belong to ethnic, religious or linguistic minorities in Asia, Africa, Europe and the Caribbean. Discrimination against minorities has frequently led to their exclusion from the body of citizens. This has perhaps most frequently occurred upon independence when, in many countries, citizenship was defined in a manner that excluded certain minority groups that were viewed as “outsiders” despite longstanding ties to the territory of the new State. In other cases, minority groups migrated to the territory of a State but were never recognised as nationals although they have established durable residence there over generations and no longer retain any ties with another State. Just as discrimination against minorities may be a cause of statelessness, the very fact that members of a group are stateless can serve to undermine the exercise of a broad range of human rights. Although in principle most human rights are guaranteed to everyone under the jurisdiction of the State, in practice non-citizens, including stateless persons, face obstacles in exercising these rights. These obstacles may be greater still if the stateless person also belongs to a minority.

³ E/CN.4/Sub.2/AC.5/2005/2, paragraph 10.

⁴ Ibid.

⁵ Ibid., paragraph 11.

Statelessness can be remedied through application of the norms set out in the major universal and regional human rights instruments including those referring to birth registration, the right to acquire a nationality, non-discrimination in relation to acquisition, change and retention of nationality by men and women and conferral of nationality on children. The 1961 Convention on the Reduction of Statelessness also provides for detailed rules.

4. Who are indigenous peoples and are they considered minorities?

As is the case for minorities, there is no international definition of indigenous peoples. From the work of the Working Group on Indigenous Populations, ILO Convention No. 169 and the drafting of the Declaration on Rights of Indigenous Peoples, it may be said that the main characteristics of indigenous peoples include the following, not necessarily all together: they are descendants of the peoples who inhabited a land or territory prior to colonization or the establishment of State borders. They possess distinct social, economic and political systems, languages, cultures and beliefs and are determined to maintain and develop this distinct identity. They exhibit strong attachment to their ancestral lands and the natural resources therein. They belong to the non-dominant groups of a society and identify themselves as indigenous peoples.

While indigenous peoples can claim minority rights under international law, there are specific United Nations mandates and mechanisms dedicated specifically to them (and not applicable to persons belonging to national, ethnic, linguistic and religious minorities). The United Nations has applied the principle of self-identification when working with indigenous peoples and minorities, leaving it up to the persons or peoples concerned to determine whether or not they belong to one or another group. In practical terms, a number of connections and commonalities exist between indigenous peoples and national, ethnic, linguistic and religious minorities. Both groups are usually in a non-dominant position in the society where they live and their cultures, languages or religious beliefs may be different from the majority or the dominant groups. Both indigenous peoples and minorities commonly wish to retain and promote their identity. Situations can be found on the ground where an indigenous group could find itself in a minority-like situation and equally some minorities have strong and long-standing attachments to their lands and territories as do indigenous peoples. Minorities, however, do not necessarily have the long ancestral, traditional and spiritual attachment and connections to their lands and territories that are usually associated with self-identification as indigenous peoples.

In terms of rights, minorities have traditionally highlighted their rights to have their existence as a group protected; their identity recognized and their effective participation in public life and the respect for their cultural, religious and linguistic pluralism safeguarded. Indigenous peoples, while also highlighting such rights, have also traditionally advocated for the recognition of their rights over land and resources, their self-determination and the requirement of being part of decision making in matters that affect them. The Declaration on the Rights of Indigenous Peoples requires that States obtain the free, prior and informed consent of indigenous peoples before undertaking development activities that might impact on them, while the Minorities Declaration requires only that legitimate interests of persons belonging to minorities are taken into account in national planning and programming.

The present information note does not take into account the specificities of indigenous peoples as its main focus is on non-indigenous national, ethnic, linguistic and religious minorities.

5. What groups are currently not considered minorities for purposes of international law?

Questions are often asked regarding whether, for example, persons with disabilities, those belonging to political groups, persons of a particular sexual orientation (gay, lesbian, bisexual or transgender) or other such groups constitute minorities. However, for purposes of international law, the subjects of the UN Minorities Declaration are defined *only* as persons belonging to national, ethnic, religious and linguistic minorities. Yet for purposes of minority protection it is important to remember that double discrimination issues are of particular importance where a person belonging to a national or ethnic, religious and linguistic minority is also discriminated against on the grounds of gender, disability or sexual orientation. Similarly, it is important to keep in mind that minorities are often found to be among the most marginalized groups in society and severely affected by, for example, pandemic diseases such as HIV/AIDS and limited access to health services in general in many countries of the world.

6. What are the main areas of concern regarding the protection of the rights of minorities?

Based on the experiences of minority communities worldwide, and on the UN Minorities Declaration and other relevant international standards relating to minority rights, four key issues can be identified:

- a) Protecting a minority's survival and existence within a territory or State, including through preventing and combating violence against them, forced expulsion and genocide;
- b) Protecting and promoting cultural and social identity, including the right of individuals to choose which ethnic, linguistic or religious groups they wish to be identified with, and the right of those groups to affirm and protect their collective identity and to reject forced assimilation;
- c) Ensuring effective non-discrimination and equality, including ending structural or systemic discrimination and the promotion of affirmative action when required;
- d) Ensuring effective participation of members of minorities in public life, especially with regard to decisions that affect them.

Survival and existence

According to the Commentary to the UN Minorities Declaration of the Working Group on Minorities, any action for the protection of minorities should focus primarily on the protection of the physical existence of persons belonging to minorities which includes among other things their protection from genocide and crimes against humanity. In situations of conflict, the physical integrity of persons belonging to minority groups is of course at greatest risk and attention should be paid to ensuring minorities, including those displaced internally within their own country or externally as refugees, have access to humanitarian aid and relief including food, shelter and health care. As former UN Secretary-General, Kofi Annan, remarked: "We must protect especially the rights of minorities, since they are genocide's most

frequent targets.”⁶ Lack of respect for, lack of protection and lack of fulfillment of the rights of minorities may thus be at least a contributing, if not the primary cause for displacement and may—in the worst case—even lead to the extinction of such communities. Displacement of minorities can thus serve as an indicator of the degree to which their rights are respected, protected and fulfilled in their country of origin. Although the identification of all minority groups in a situation of displacement can be difficult, protection, including humanitarian assistance programmes, need to be designed in a way which enables these groups to retain their identity to the greatest possible extent. However, protection of existence also requires, for example, the protection of cultural or religious monuments which are important expressions of a minority’s culture and existence.

Promotion and protection of the identity of minorities

Central to minority rights is the promotion and protection of the identity of minorities. Promotion and protection of identity of minorities prevents forced assimilation and the loss of cultures, religions and languages - the basis of the richness of the world’s minorities and therefore part of its heritage. Non-assimilation requires that diversity and plural identities are not only tolerated but protected and respected. Minority rights are about ensuring respect for distinctive identities while ensuring that any differential treatment towards groups or persons belonging to groups does not mask discriminatory practices and policies. Therefore, action is called for to respect and support cultural, religious and linguistic diversity and to acknowledge the contribution of minorities in enriching society through this diversity. Recognition of the identity of persons belonging to minorities is recognition of an additional aspect of a person’s identity such as his/her gender and profession or work.

Non-discrimination and equality

The right not to be discriminated against is not only a fundamental principle recognised by international law but also a paramount right for minorities in all regions of the world. Minorities in all regions of the world experience direct and indirect, de jure and de facto discrimination in their daily lives.

Non-discrimination and equality before the law are two of the basic principles of international human rights law. The principle of non-discrimination prohibits any distinction, exclusion, restriction or preference having the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise by all persons, on an equal footing of all rights and freedoms. There is no requirement to demonstrate discriminatory intention - the reference to “purpose or effect” in the definition indicates that intention is not a requirement. The principle is concerned about discrimination in legislation and policies as well as their implementation. International human rights law prohibits both direct and indirect discrimination.

Indirect discrimination is more subtle and therefore more difficult to identify and to eliminate. It occurs when a practice, rule or requirement is neutral on its face but impacts disproportionately upon particular groups, unless the practice, rule or requirement is necessary and appropriate to achieve a legitimate objective. The latter provides the basis for remedying the structural biases preventing the achievement of equality for all. A focus on the unequal impact of a measure on an individual as a member of a group opens the door to a better identification of the root causes of discrimination and inequality.

⁶ January 2004 at the Stockholm International Forum, UN press release SG/SM/9126/Rev.1, 11/02/2004.

Differential treatment may be permissible if its objective is to overcome past discrimination or address persisting inequalities. In fact, international human rights law provides for the taking of special measures in favour of certain persons or groups to bring about equality. Such obligations are laid down in the International Convention on the Elimination of all Forms of Racial Discrimination, and the Convention on the Elimination of Discrimination against Women. Preferential treatment, often referred to as affirmative action, in favour of certain persons or groups are measures that may be taken for a period of time to achieve equality for all. Limitations exist as to the acceptability of such measures. They should be time-bound, closely monitored and evaluated. They should not lead to the maintenance of separate rights for different groups and should not be continued after their intended objectives are achieved.

The tone of the International Convention on the Elimination of All Forms of Racial Discrimination is that of an instrument for integration. It is extremely important to ensure that integration is not understood to mean, and does not lead to, forced assimilation into the dominant culture. The application of the rights of persons belonging to minorities has highlighted the need not only to understand and redress inequality but also to accommodate difference and diversity. Special measures to protect the existence and identity of minorities, to encourage conditions for the promotion of that identity and for achieving equality for all, may need to be different in nature and longer lasting than those legislative and policy measures required simply to address discrimination.

With a view to furthering the protection of minorities in accordance with the principle of non-discrimination, particular attention is drawn to the need to ensure equal access to social services, to employment in the public and private sectors, including through positive action. In many instances, the root causes of human rights violations are due to inequalities between groups with respect to the fulfillment of economic, social and cultural rights. In the light of this reality, due regard and emphasis must be paid to the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights. Particular attention to the situation of persons belonging to minorities is required in developing implementing and evaluating poverty reduction programmes, the pursuit of the Millennium Development Goals. Moreover, measures should be considered for minorities to effectively participate in and be consulted on development and economic projects and an assessment of their impact on persons belonging to minorities should be undertaken.

Persons must not be subjected to discrimination for manifesting group identity. The importance of the application of this principle was made in relation to the observation in the Commentary that “Governments or persons belonging to majorities are often tolerant of persons of other national or ethnic origins until such time as the latter assert their own identity, language and traditions. It is often only when they assert their rights as persons belonging to a group that discrimination or persecution starts.”⁷

Effective participation

The participation in public affairs and in all aspects of the political, economic, social and cultural life of the country where minorities live is in fact essential to the preservation of

⁷ E/CN.4/Sub.2/AC.5/2005/2, paragraph 53.

the minority's identity and to combating social exclusion. Mechanisms are required to ensure that the diversity of society in regard to minority groups is reflected in public institutions and bodies including national parliaments, the civil service, police and judiciary, and that persons belonging to minorities are adequately represented, consulted and have a voice in decisions which affect them, or the territories and regions in which they live. Participation must be meaningful and not symbolic and recognize, for instance, that minorities are commonly under-represented and that their issues and concerns may not be adequately addressed. The situation in respect to the participation of minority women is of particular concern.

The international community has recognized these challenges and has put at the disposal of minorities several instruments and mechanisms to ensure their international and national protection.

7. What are the main international human rights instruments relating to minority issues?

- The *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Minorities Declaration)*, adopted by consensus in 1992 (resolution 47/135) by the General Assembly (for the full text see Annex) is the main reference for minority rights.

The Declaration grants to persons belonging to minorities:

- Protection, by States, of their existence and their national or ethnic, cultural, religious and linguistic identity (art. 1);
- The right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public (art. 2.1);
- The right to participate in cultural, religious, social, economic and public life (art. 2.2);
- The right to participate in decisions which affect them on the national and regional levels (art. 2.3);
- The right to establish and maintain their own associations (art. 2.4);
- The right to establish and maintain peaceful contacts with other members of their group and with persons belonging to other minorities, both within their own country and across State borders (art. 2.5); and
- The freedom to exercise their rights, individually as well as in community with other members of their group, without discrimination (art. 3).

States are to protect and promote the rights of persons belonging to minorities by taking measures:

- to ensure that they may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law (art. 4.1);
- to create favourable conditions to enable them to express their characteristics and to develop their culture, language, religion, traditions and customs (art. 4.2);
- to allow them adequate opportunities to learn their mother tongue or to have instruction in their mother tongue (art. 4.3);
- to encourage knowledge of the history, traditions, language and culture of minorities existing within their territory and ensure that members of such minorities have adequate opportunities to gain knowledge of the society as a whole (art. 4.4);
- to allow their participation in economic progress and development (art. 4.5);
- to consider legitimate interests of minorities in developing national policies and programmes, as well as in planning and implementing programmes of cooperation and assistance (art. 5);
- to cooperate with other States on questions relating to minorities, including the exchange of information and experiences, in order to promote mutual understanding and confidence (art. 6);
- to promote respect for the rights set forth in the Declaration (art. 7);
- to fulfill the obligations and commitments States have assumed under international treaties and agreements to which they are parties.

Finally, the specialized agencies and other organizations of the United Nations system are encouraged to contribute to the realization of the rights set forth in the Declaration (art. 9).

In 2005, the Working Group on Minorities (see question 8 below) adopted a Commentary (E/CN.4/Sub.2/AC.5/2005/2) intended to serve as a guide to the understanding and application of the UN Minorities Declaration.⁸

- *The International Covenant on Civil and Political Rights*, and in particular article 27, inspired the UN Minorities Declaration. Article 27 is the most widely accepted legally binding provision on minorities. It states that:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”.

Article 27 of the Covenant protects the rights of persons belonging to minorities to their national, ethnic, religious or linguistic identity, or a combination thereof, and to preserve

⁸ Additionally, the Working Group considered the Minority Profile and Matrix contained in document E/CN.4/Sub.2/AC.5/2006/3, which provides a checklist of issues and measures based on the provisions and principles contained in the UN Minorities Declaration and the Commentary.

the characteristics which they wish to maintain and develop. Although article 27 refers to the rights of minorities in those States in which they exist, its applicability is not subject to official recognition of a minority by a State. States that have ratified the Covenant are obliged to ensure that all individuals under their jurisdiction enjoy their rights; this may require specific action to correct inequalities to which minorities are subjected.

In 1994, the Human Rights Committee adopted general comment No. 23 on the rights of minorities, providing an authoritative interpretation of this article, in which the Committee stated that “this article establishes and recognizes a right which is conferred on individuals belonging to minority groups and which is distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they are already entitled to enjoy under the Covenant.”⁹ The right under article 27 is an autonomous one within the International Covenant on Civil and Political Rights. The authority of the Human Rights Committee in interpreting its application has had the effect of ensuring recognition of the diversity of groups within a State and recognizing that decisions on recognition of the existence of minorities are not the province of the State alone and that positive measures by States may be “necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with the other members of the group.”¹⁰

- *The International Covenant on Economic, Social and Cultural Rights* mentions explicitly in article 2(2) that “the State Parties to the Present Covenant undertake to guarantee the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- Article 1 of *the International Convention on the Elimination of All Forms of Racial Discrimination* defines discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.
- Article 30 of *the Convention on the Rights of the Child* provides that “in those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language”.
- *The Convention for the Prevention and Punishment of the Crime of Genocide* is a legal source referred to in the UN Minorities Declaration for protecting the rights of minorities. It is one of the first Conventions adopted by the General Assembly (on 9 December 1948) and relates to the protection of groups, including minorities, and their right to physical existence. No body was established to monitor the implementation of this Convention. The International Criminal Tribunals for the former Yugoslavia and Rwanda were the first to apply this law internationally in

⁹ CCPR/C/21/Rev.1/Add.5, paragraph 1.

¹⁰ *Ibid.*, paragraph 6.2.

ad hoc tribunals. The Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.” (Article 2)

- *The Rome Statute of the International Criminal Court* provides for the prosecution of cases that encompass not only the crime and punishment of genocide but also crimes against humanity. A list of acts which would constitute crimes against humanity is contained in article 7, paragraph 1 of the Rome Statute. It may be noted, for example, that forced population transfers intended to move persons belonging to minorities away from the territory on which they live, or with that effect, as well as forced sterilizations, would constitute serious breaches of the Statute.

- *The ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)* requires States to adopt and implement national policies to promote and ensure equality of opportunity and treatment in employment and occupation, with a view to eliminating direct and indirect discrimination on grounds of race, colour, sex, religion, political opinion, national extraction and social origin (articles 1 and 2). These national policies must address discrimination and promote equality, in law and in practice, regarding access to education and training, employment services, recruitment, access to particular occupations, as well as terms and conditions of employment.

- The 1998 *ILO Declaration on Fundamental Principles and Rights at Work* provides that all Members of the Organization have an obligation to respect, to promote and to realize the fundamental principles and rights at work (“core labour standards”). These include the principle of non-discrimination in employment and occupation, freedom of association and the right to collective bargaining and the elimination of forced and compulsory labour, as well as child labour. The enjoyment of equality of opportunity and treatment of minorities is monitored under this Declaration.

- The 2003 *UNESCO Convention for the Safeguarding of Intangible Heritage* provides safeguards and promotes the practices, representations, expressions, knowledge, skills – as well as the associated instruments, objects, artefacts and cultural spaces – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. For this purpose, the Convention establishes a fund and a listing system of representative and endangered heritage.

- The 2005 *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions* encourages States to incorporate culture as a strategic element in national and international development policies and adopt measures aimed at protecting and promoting the diversity of cultural expressions within their territory. It emphasizes the importance of the recognition of equal dignity and respect for all cultures, including that of persons belonging to minorities, and of

the freedom to create, produce, disseminate, distribute and have access to traditional cultural expressions, and asks the States to endeavour to create environments conducive thereto.

- *General Comment No. 14 (2000) of the Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health (article 12)* states that health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups including ethnic minorities. Furthermore all health facilities, goods and services must be culturally appropriate, including for example respectful of the culture of minorities. “States are under the obligation to *respect* the right to health by, *inter alia*, refraining from denying or limiting equal access for all persons, including ...minorities [among others], to preventive, curative and palliative health services.”¹¹
- The *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted by General Assembly resolution 60/147 of 16 December 2005, in paragraph 19, states that “Restitution should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.” This principle could be broadly interpreted as including the right to have one’s status as indigenous or minority restored, in particular where such exists under national legislation and if such status is lost as a consequence of displacement.

8. What are the international human rights mechanisms available to address issues concerning minorities?

The most relevant international mechanisms for the promotion and protection of human rights of minorities available are:

- *The United Nations independent expert on minority issues: a special -procedure mandate* (the general name given to the mechanisms established under the Human Rights Council (HRC)/ formerly Commission on Human Rights to address either specific country situations or thematic issues in all parts of the world) established in 2005. The first mandate-holder, Ms. Gay McDougall, was appointed in 2005. The independent expert on minority issues is mandated, among other things, to promote the implementation of the UN Minorities Declaration, to identify best practices and opportunities for technical cooperation by OHCHR, to engage in consultation and dialogue in country situations with Governments regarding minority issues, and to take into account the views of non-governmental organizations (NGOs).

Information regarding the specific situation of a particular group or individual as well as the general situation of minorities in a given country or region can be addressed to the independent expert through the assistant in charge of servicing her mandate at OHCHR. Based on information received from a variety of sources, the independent

¹¹ E/C.12/2000/4, paragraph 34.

expert can send communications directly to Governments. The independent expert sends urgent appeals or letters of allegations and usually does so jointly with other relevant special procedure mandate holders. The independent expert can also undertake country visits at the invitation of Governments in order to more fully appreciate the situation in a particular country and engage in consultations with Government representatives and civil society. In addition, the independent expert engages in work on thematic priorities, including producing thematic reports and convening seminars and consultations. A key thematic priority in 2006 and 2007 has been minorities in the context of poverty and the MDGs, highlighting the fact that many minorities are failing to benefit from poverty alleviation policies and strategies to achieve the MDGs. In 2007 the independent expert also convened an expert consultation focusing on minorities and the discriminatory denial or deprivation of citizenship.¹²

- *Other special procedures mandates:* OHCHR supports a number of other special procedures mandates, which are usually on thematic issues and are required to examine, monitor, advise and publicly report on human rights situations. Those with responsibility for specific countries or territories are known as “country mandates”. Those working on major phenomena of human rights concern worldwide are known as “thematic mandates”. Various activities are undertaken by these mechanisms, including responding to individual complaints, conducting studies, providing advice on technical cooperation and engaging in general promotional activities. Amongst their activities, most mandate-holders receive information on specific allegations of human rights violations and send urgent appeals or letters of allegation to Governments asking for clarification. They also carry out country visits, at the invitation of the country concerned. In addition to the independent expert on minority issues, many other special procedures mandates responsible for civil and political and economic and social rights are relevant to the situation of minorities, and many receive information regarding violations of the rights of minorities related to their particular human rights focus and expertise. Amongst these are the mandates on: extrajudicial summary or arbitrary executions; adequate housing as a component of the right to an adequate standard of living; extreme poverty; the right to food; freedom of opinion and expression; freedom of religion or belief; the right to health; the right to education; the situation of human rights defenders; internally displaced persons; contemporary forms of racism, racial discrimination, xenophobia and related intolerance; torture and other cruel, inhuman or degrading treatment or punishment; trafficking in persons; and violence against women, its causes and consequences.¹³
- *The United Nations human rights treaty bodies:* In order to implement the rights laid down in the different international conventions, committees have been established to monitor the progress made by States parties in fulfilling their obligations, in particular in bringing national laws as well as administrative and legal practice into line with the provisions of the conventions. The committees which are of particular relevance to the implementation of minority rights are the Human Rights Committee (which oversees the implementation of the International Covenant on Civil and Political Rights, including with regard to article 27 specifically relating to the rights of persons belonging to minorities); the Committee on Economic, Social and Cultural Rights

¹² For more information about the mandate of the Independent Expert see <http://www2.ohchr.org/english/issues/-minorities/-expert/index.htm>.

¹³ For more information about special procedures see <http://www2.ohchr.org/english/bodies/chr/special/-index.htm>.

(International Covenant on Economic, Social and Cultural Rights); the Committee on the Elimination of Racial Discrimination (International Convention on the Elimination of All Forms of Racial Discrimination); the Committee on the Rights of the Child (Convention on the Rights of the Child); the Committee on the Elimination of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination against Women) and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families).

States parties undertake to submit periodic reports to the respective Committees outlining the legislative, judicial, policy and other measures which they have taken to ensure the enjoyment of, inter alia, the minority-specific rights contained in the relevant instruments. On the basis of the information they receive, the committees can pursue a dialogue with the reporting State party. Once consideration of a State party report has been concluded, the committees issue "concluding observations" which may state that violations of the rights of minorities have taken place, urge States parties to desist from any further infringements of the rights in question or call on the respective Governments to adopt measures to improve the situation. UN staff with responsibilities in areas and in countries where the situation of minorities is of particular interest can be in contact with the secretariat preparing sessions of the various committees studying the situation of a given country.¹⁴

- ✓ *Early warning mechanisms (EWMs)*: EWMs have been set up to prevent, inter alia, racial, ethnic or religious tensions from escalating into conflicts. Three types of provisions for early warning mechanisms established by the United Nations need to be mentioned in the context of minority protection. First, the High Commissioner for Human Rights has been entrusted with the specific task of preventing the continuation of human rights violations throughout the world. To this end, the High Commissioner plays a mediating role in situations which may escalate into conflicts by acting at the diplomatic level to obtain substantive results with individual Governments and by encouraging dialogue among the parties concerned. Second, the Committee on the Elimination of Racial Discrimination has established an early warning mechanism to draw the attention of its members to situations where racial discrimination has reached alarming levels. The Committee has in fact adopted both early warning measures and urgent procedures to prevent as well as to respond more effectively to violations of the Convention.

Criteria for early warning measures could be utilized when there are the following indicators:

- (a) Presence of a significant and persistent pattern of racial discrimination, as evidenced in social and economic indicators;
- (b) Presence of a pattern of escalating racial hatred and violence, or racist propaganda or appeals to racial intolerance by persons, groups or organizations, notably by elected or other State officials;
- (c) Adoption of new discriminatory legislation;

¹⁴ For more information about treaty bodies see <http://www.ohchr.org/EN/HRBodies/Pages/HumanRights-Bodies.aspx>.

- (d) Segregation policies or de facto exclusion of members of a group from political, economic, social and cultural life;
- (e) Lack of an adequate legislative framework defining and criminalizing all forms of racial discrimination or lack of effective mechanisms, including lack of recourse procedures;
- (f) Policies or practice of impunity regarding: (a) violence targeting members of a group identified on the basis of race, colour, descent or national or ethnic origin by State officials or private actors; (b) grave statements by political leaders/prominent people that condone or justify violence against a group identified on the ground of race, colour, descent, national or ethnic origin; (c) development and organization of militia groups and/or extreme political groups based on a racist platform;
- (g) Significant flows of refugees or displaced persons, especially when those concerned belong to specific ethnic groups;
- (h) Encroachment on the traditional lands of indigenous peoples or forced removal of these peoples from their lands, in particular for the purpose of exploitation of natural resources;
- (i) Polluting or hazardous activities that reflect a pattern of racial discrimination with substantial harm to specific groups.¹⁵

Third, the post of the UN Special Adviser on the Prevention of Genocide was created in 2004 with the mandate, inter alia, to act as an early warning mechanism for the Secretary-General and the Security Council by bringing to their attention potential situations that could result in genocide. To this end, the Special Adviser collects information on massive and serious violations of human rights and international humanitarian law of ethnic and racial origin that might lead to genocide, makes recommendations to the Security Council (through the Secretary-General) on actions to prevent or halt genocide, and liaises with the UN system on activities for the prevention of genocide (including enhancement of the UN capacity to analyse and manage information relating to genocide and related crimes). The legislative framework for the work of the Special Adviser is the *Convention for the Prevention and Punishment of the Crime of Genocide* (see Question 7).¹⁶

- *The Forum on Minority Issues:* In 2007, the HRC established by resolution 6/15 the Forum on Minority Issues, to provide a platform for promoting dialogue and cooperation on issues pertaining to persons belonging to national or ethnic, religious and linguistic minorities. The Forum provides thematic contributions and expertise to the work of the independent expert on minority issues; identifies and analyses best practices, challenges, opportunities and initiatives for the further implementation of the UN Minorities Declaration. The independent expert on minority issues guides the work of the Forum, prepares its annual meetings and includes the thematic recommendations of the Forum in his/her report. The Forum is also expected to

¹⁵ For more information about the CERD early warning procedure see <http://www2.ohchr.org/english/bodies/-cerd/early-warning.htm>.

¹⁶ For more information about the mandate see http://www.un.org/depts/dpa/prev_genocide/.

contribute to the efforts of the High Commissioner for Human Rights to improve cooperation among United Nations mechanisms, bodies and specialized agencies, funds and programmes on activities related to the promotion and protection of the rights of persons belonging to minorities, including at the regional level.¹⁷

The Forum replaces the United Nations Working Group on Minorities which held 12 sessions between 1995 and 2006 and provided a venue and space for representatives of minorities to raise issues within the UN and enter into a dialogue directly with Governments. A wealth of work was undertaken by the Working Group not only on conceptualization of the rights of persons belonging to minorities but also good practices and other measures for the promotion and protection of minorities. Numerous papers were prepared and submitted for consideration by the Working Group. A list of those documents is available on the OHCHR website.¹⁸

- *The Universal Periodic Review (UPR)*: In 2006, the General Assembly adopted resolution 60/251 and decided that the HRC undertake a universal periodic review of the fulfillment by each State of its human rights obligations and commitments. All UN Member States will be reviewed by the UPR mechanism with a periodicity of four years. The review is based on three documents: one report prepared by the State concerned, and two OHCHR-prepared reports: a compilation of UN information (from reports of treaty bodies, special procedures and other relevant official United Nations documents) and a summary of stakeholders' input (from non-governmental organisations, national human rights institutions, academic institutions and regional organizations). For the preparation of these three documents, which may include information on the human rights situation of persons belonging to minorities, UN entities can consider to: (i) advise States on preparing State reports in a consultative manner; (ii) send submissions to OHCHR, and/or draw attention to agency publications for OHCHR's review, to be considered for the compilation of UN information reports; and (iii) disseminate information to stakeholders including non-governmental organisations for preparation of their input.

The review of a State is conducted during a three-hour inter-active dialogue of the Working Group on the UPR composed of the 47 member States of the HRC. After the Working Group session, the HRC meets in a plenary session to consider and adopt the outcome of the UPR, which includes a report consisting of a summary of the proceedings, conclusions and/or recommendations, and the voluntary commitments of the State concerned. At the HRC plenary session, when a one-hour meeting is devoted to each State under review, UN entities and stakeholders, including national human rights institutions and non-governmental organizations, have the opportunity to make interventions. UN entities can facilitate local access to the UPR meetings, webcast by the UN, by convening targeted or inclusive public screenings. In the follow-up phase, UN entities can provide support by, inter alia, ensuring the translation (including in minority languages) and broad dissemination of UPR documents, encourage/facilitate the use of the recommendations, including on minority issues, by all relevant actors at the national level, and consider UPR documentation when preparing UN planning

¹⁷ For more information about the Forum see <http://www2.ohchr.org/english/bodies/hrcouncil/minority/-forum.htm>.

¹⁸ <http://www2.ohchr.org/english/issues/minorities/documents.htm>.

instruments, including Common Country Assessment (CCA)/ UN Development Assistance Frameworks (UNDAFs) and agencies' specific programmes.¹⁹

ILO mechanisms

- The application of ILO conventions is subject to supervision by the ILO *Committee of Experts in the Application of Conventions and Recommendations* and the *Committee on the Application of Standards* of the International Labour Conference. In their periodic reports on the application of the *Discrimination (Employment and Occupation) Convention, 1958 (No. 111)*, States are required to specify the action taken to eliminate discrimination and the results achieved. Trade unions and employers' organizations have the right to submit observations on the Convention's application to the supervisory bodies. In their comments and conclusions, the supervisory bodies monitor the application of the Convention in law and in practice. The Committee of Experts frequently provides comments on the enjoyment of equality of opportunity and the treatment of minorities.

Reports concerning Convention No. 111 are due every two years. The Committee meets once a year in November-December. Its report is published each year in March and discussed by the Committee on the Application of Standards during the annual session of the International Labour Conference in June.²⁰

The *Follow-up to the 1998 Declaration on Fundamental Principles and Rights at Work* provides for the submission of annual reports by ILO members, as well the publication, by the Director-General, of yearly global reports on the fundamental principles and rights covered by the Declaration. The global reports of 2003 and 2007 focused on eliminating discrimination at work. Both considered minority issues.²¹

UNESCO mechanisms

- The Committee on Conventions and Recommendations of the Executive Board examines confidential (group and individual) complaints regarding alleged human rights violations within UNESCO's fields of competence (education, science, culture and information, especially relating to articles 18, 19, 20, 26 and 27 of the Universal Declaration of Human Rights) that occurred within the territories of UNESCO member States. The Committee is composed of governmental representatives and meets in May and November of each year. The Committee tries to resolve the reported problems in a spirit of cooperation, dialogue and mutual understanding rather than acting as a tribunal. In urgent cases, it is possible for the Director-General to personally make humanitarian representations on behalf of persons who have allegedly been victims of human rights violations in UNESCO fields of competence.

¹⁹ For more information on the Universal Periodic Review see www.ohchr.org/EN/HRBodies/UPR/Pages/-UPRMain.aspx.

²⁰ The comments and conclusions of the supervisory bodies are available on the ILOLEX database of the International Labour Office (<http://www.ilo.org/public/english/standards/norm/>).

²¹ The global reports and further information on the Declaration follow-up are available at <http://www.ilo.org/-declaration>.

III. PROGRAMMING AND ACTION

9. How can UN staff develop strategies to address the situation of minorities?

The UN Minorities Declaration in its article 9 establishes an explicit obligation on the part of the entire UN system to contribute to the achievement of the principles set forth in the Declaration.

The promotion and protection of the rights and interests of minorities concern a wide range of issues pertinent to the whole UN family. For this reason, action is required at all levels ranging from overall policy design and advocacy to programming exercises and specific actions on the ground, including monitoring and evaluation of implementation and impact.

A human rights-based approach, guided by international human rights standards and principles, recognizes human beings as rights-holders and establishes a series of corresponding obligations on Governments, including the obligation to protect, respect and fulfil human rights. Such an approach could be very effective in addressing the challenges faced by minorities. Within the wider framework of a human rights-based approach, the rights to non-discrimination, to meaningful participation in decision-making and to protection of cultural identity are crucial in addressing the inequality and exclusion faced by many minorities. Particularly relevant is the support of activities to analyse the content and scope of laws and policies as well as the obstacles and challenges for their realization and enjoyment in practice.

The absence of adequate and reliable data is an obstacle to efficient and effective action. For this reason, it is crucial to improve the collection of data disaggregated along ethnic and religious lines as well as along gender lines, to assist in revealing the situations of minorities at the national and local levels. Social indicators specific to minority groups need to be developed to understand the main policy concerns on the subject and effectively assess the progress towards the MDGs and poverty reduction strategies.

No situation can be effectively improved without valuable and efficient evaluation of the actions to improve it. In particular, UN staff would need to undertake a thorough evaluation of the impact that the UN programmes and activities are having on the situation of minorities. This should include ensuring that minority concerns are included in CCA and UNDAF.

The following checklists can be used as examples to build activities to promote and protect the rights of minorities in accordance with the UN Minorities Declaration and can be adapted for particular situations. They should be seen as work-in-progress tools that could be expanded in due course in particular taking into consideration experiences from the field.

A. Understanding and assessing the situation of minorities in a given country

- ✓ Are minority groups recognized in the country? If so, is it through any specific legal or policy framework?

- ✓ What are the most relevant concerns for minorities in the country, i.e. gaps and situation analysis to assess which rights to which minorities are entitled, are not being enjoyed and for what reasons?
- ✓ Are these concerns specific to the minority or do other groups or sectors of the society share the same concerns?
- ✓ Are these concerns equally affecting women and men within the minority groups and in the society at large?
- ✓ What recommendations have the human rights treaty bodies or the special procedures made regarding the situation of minorities?
- ✓ Are there NGOs working on the issues of minorities? Have they, or NHRIs, produced reports, surveys or other studies, or have concerns relating to minorities been raised by the media or international NGOs?
- ✓ Does any disaggregated data exist along ethnic or religious lines which tell us something about the situations of minorities in relation to the general population?

B. Structures and settings to improve the situation of minorities

- ✓ Are minority groups organized in the country? Have women and men equal access to organizational structures and mechanisms that are representative of minorities, such as NGOs working to promote the rights of minorities?
- ✓ Is there any particular neutral setting or space for dialogue between minority representatives and government officials at the central and/or local levels and is there any room for the UN Country Team to promote their establishment and/or strengthening?
- ✓ What are the main actions currently in place in the country (Government, international community, civil society) to promote and protect the rights of minorities as set forth in the UN Minorities Declaration?
- ✓ Is there any specific mechanism for the collection of disaggregated data, including on the access to education, housing and health care and health conditions that could independently reflect the realities faced by minorities in the country? Do sex and age disaggregated data exist?
- ✓ Has the UN Country Team established a mechanism (including any thematic group) or policy to consult with minorities and address their concerns?
- ✓ Does the CCA include any particular reference to the situation of minorities? If so, have their situations and concerns been included in the UNDAF for support? Does your respective Country Programme pay attention to the situation and concerns of minorities?
- ✓ Have the particular needs of minorities been analysed in the preparation of the appeals (e.g. for Donor and Agency funding for Consolidated Appeals Processes

(CAPs) and Common Humanitarian Action Plans (CHAPs)) for those countries where their human rights and humanitarian situations are particularly challenging?

C. Identifying priorities to address the situation of minorities

The identification of priority areas for action depends on the urgency of the situation and the kind of responses required. In situations of serious human rights violations or in armed conflicts priority areas might need to be identified for immediate action. On the other hand this should not happen at the expense of a more general protection framework that must cover a wide range of civil, political, economic, social and cultural rights.

Traditionally, attention has focused primarily on civil and political rights. However, an analysis of the situation of minorities would be incomplete without a thorough assessment of their enjoyment of economic, social and cultural rights, with particular attention being paid to the situation of women and of children.

Protection of existence of national or ethnic, religious and linguistic minorities:

- ✓ Have there been historical cases of mass violence, atrocities, sexual violence, or acts of genocide perpetrated against minorities?
- ✓ Are there cases in which members of minority groups are being physically expelled or forcibly deported from the country?
- ✓ Is there any specific situation where minority groups and/or their members are particularly excluded or targeted?
- ✓ Are there situations in which minorities are suffering as a direct or indirect result of the historical past and does this legacy still impact on their lives or livelihoods?
- ✓ Are the cases of violence against minorities systematically investigated and, if not, why not? What are the main causes of violence against minorities?
- ✓ Are freedom of religion and the right to enjoy and maintain one's own culture respected?
- ✓ Are minority women particularly at risk of abuse and social exclusion, and what are the precautionary measures in place to address their situation?

Promotion of identity and education and culture:

- ✓ What sort of programmes and actions can be supported to create the favourable conditions that enable minority women and men to express their characteristics and to develop their culture, language, religion, traditions and customs?

- ✓ In the context of the support being provided to the country in the education system, how can minorities' enjoyment of adequate opportunities to learn their mother tongue or have instruction in their mother tongue, including the knowledge of their history, traditions, language and culture, be ensured?
- ✓ In a humanitarian crisis and in particular in situations of displacement, how can the right of minority children to learn their mother tongue be ensured?

Promotion of non-discrimination and equality:

- ✓ Are there comprehensive constitutional provisions and/or legislation on non-discrimination, and to what extent do they reflect the rights and the protection of minorities?
- ✓ Are there inequalities between different groups including minorities?
- ✓ Are the allegations of discrimination systematically registered when the parties are minorities?
- ✓ What are the possibilities for the UN Country Team to adopt a coordinated approach and fight against both social and institutional discrimination?
- ✓ Is there any particular situation of discrimination against minority women within their communities? How is the UN acting to protect their rights?
- ✓ Is there any discrimination in the access to basic services (health care, clean water, food and education) to minority groups?
- ✓ What are the dynamics behind multiple discrimination practices and who are the most vulnerable to it? What suitable mechanisms can be promoted to address this issue?

Promotion of participation in public life:

- ✓ Do minority groups have access to information relating to public policies and decisions taken on their behalf, especially when they were not involved in the decision-making processes?
- ✓ Is there any possibility and do mechanisms exist to ensure dialogue with minority groups at the national, regional or local government level?
- ✓ Do possibilities or mechanisms exist to ensure that the contributions of minority groups are taken into account and/or included in public policies? Are there any parliamentary or other kind of lobby groups on minorities?

- ✓ Are minorities represented in public administration (i.e. as members of parliament, in the judicial services, and law enforcement etc)? If yes, is it proportionate with regard to the size of their communities and the interests to be addressed? If not, what should be done to promote their integration in the public service?
- ✓ Does the participation of members of minorities in public life have an effect on gender equality within the community and in the society at large? What kind of mechanisms have been or could be promoted to encourage minority women's participation?
- ✓ What are the possibilities for the UN to build the capacity of minority groups to participate in decision-making and to monitor the implementation of public policies?

Protection of the provisions of basic social services for minorities:

- ✓ How does poverty particularly affect minorities in the country? Are persons belonging to minorities considered to be disproportionately affected by poverty? Why?
- ✓ Do minority groups experience or present special health concerns? Is, for example, HIV/AIDS or the incidence of poverty-related disease or malnutrition different from the rest of the population? If so, what are the causes?
- ✓ What can be done to better ensure that social services are equally accessible and appropriate to the specific needs of women and men belonging to minority groups?
- ✓ What are the possibilities for the UN to help the Government to improve social policies supporting the provision of basic social services for minorities?
- ✓ What resources do minorities control or manage locally for service delivery? Are these gender-sensitive services?
- ✓ Are minority groups able to monitor the delivery of basic social services?
- ✓ Do the main social indicators such as hunger, child mortality rates, health conditions and school enrolment reflect any particular difference between the conditions of the mainstream society and that of minorities?

Promotion of inclusiveness and participation in development:

- ✓ While carrying out assessments and project design, have the widest possible consultations with the targeted groups been ensured?
- ✓ Have there been any efforts to ensure participation of the least powerful and assertive from these groups (i.e. women, HIV/AIDS affected people,

children, disabled, youth, non-citizens) including the creation of conditions to ensure their equal involvement in the process?

- ✓ Has the rights-based approach to development been used including to ensure the active, free and meaningful participation of those affected by the development processes?
- ✓ Have the legitimate interests of minorities been taken into account in the development of national policies and programmes including in the planning and implementing processes?

Promotion and protection of the rights of minority children:

- ✓ How is the general situation of minority children in the country? What information is available to make an assessment of the situation? Do we need to improve our information?
- ✓ If there is an internal displacement situation, how is the situation of minority children being monitored?
- ✓ Is there any attention being paid to the needs of refugee children?
- ✓ Is children's enjoyment of human rights, including access to education and health, freedom from exploitation and child labour ensured by national laws and in practice? Do effective enforcement mechanisms exist and do they take the situations and needs of minority children into account?

Promotion of the right of minorities to maintain associations:

- ✓ Is the right to form associations and trade union organizations ensured by national legislation and equally accessible to minority workers?
- ✓ Is there any particular obstacle in the country for minorities to fully enjoy these rights?
- ✓ Have there been any efforts by the existing minority civil society organizations to establish a network for exchange of information and coordination of actions?

Access to decent work and to productive assets:

- ✓ Do minorities have equal access to employment and income generating opportunities? What is the situation of minority women in this respect? Is there a tendency for minority women or men to be concentrated in certain occupations or sectors (i.e. domestic and care work, construction, manufacturing in export processing zone, etc)? If so, what are the working conditions that prevail in their workplaces?

- ✓ Does the existing regulatory and policy framework, particularly the labour legislation and national employment polices, take into account the work-related human rights of minorities? What are the implementation and enforcement mechanisms in place?
- ✓ Do minorities enjoy the fundamental principles and rights of freedom of association and the right to collective bargaining, the elimination of forced labour and child labour, as well as freedom from discrimination? Are these rights guaranteed to minorities, in law and in practice, on an equal footing with other workers?
- ✓ Do policies and programmes promoting decent work, including those specifically focusing on minorities, take into consideration the specific position of minorities, and in particular of minority women, in the labour market and in the workplace? Are appropriate mechanisms in place to assess the impact of these policies and programmes?
- ✓ Do minorities have equal access to productive resources, including credit, technology, vocational and skills training, information, and land? Is there a gender disparity in access?
- ✓ Do minorities enjoy the right to adequate housing and how is this enjoyment related to their situation with regard to access to land and property?
- ✓ How is the distribution of productive and reproductive work organized within minority and non-minority households? Is there any strategy in place to address the unequal distribution of household responsibilities between women and men and better balance family and work responsibilities in the communities and in the society at large?
- ✓ What kind of formal and informal social protection measures are in place to protect workers? What kind of strategy can be supported to extend social protection coverage to minority workers, especially when they are concentrated in the informal economy?
- ✓ Is statistical information concerning the position of minorities in the formal and informal economy being collected and analysed on a regular basis?
- ✓ Are minority workers represented in trade unions and employers' organizations, and do they participate in social dialogue in the country?

Displaced minorities:

- ✓ Are there minority groups within an internally displaced or refugee population?
- ✓ What are the causes of their displacement, and are these linked to their minority status?

- ✓ If displaced outside their country of origin, have they been given access to refugee status determination procedures? How have claims for refugee status been assessed?

Stateless minority populations and individuals:

- ✓ Have stateless minority populations and individual stateless persons been identified?
- ✓ Are births of minority children registered so as to document where they were born and to whom? Would birth registration programmes contribute to reducing statelessness?
- ✓ Is information available on nationality procedures in a form that is accessible and comprehensible to members of minorities?
- ✓ Are there mechanisms in place to reduce statelessness, for example facilitated naturalization based on lawful, habitual residence in the territory and acquisition of nationality at birth by children who would otherwise be stateless?
- ✓ Do stateless minority populations habitually resident in the territory enjoy the full range of civil, economic, social and cultural rights guaranteed to non-citizens under international law?

D. Awareness-raising and public information

Being creative in awareness-raising could make a difference in the promotion and protection of the rights of minorities. It is a basic tool for empowerment. A wide variety of innovative approaches can capture public attention to the situation of minorities.

To this end, it might be useful to consider....

- ✓ Preparing informational materials, including in different languages, and disseminating them widely.
- ✓ Developing campaigns using international days, such as 10 December which is Human Rights Day.
- ✓ Supporting activities for training/capacity-building and outreach, including for representatives of minorities.

10. What are the particular issues concerning persons belonging to religious minorities that may require greater attention?

There are several issues of particular concern to religious minorities which practitioners should consider when monitoring the situation on the ground and devising strategies. These can be identified by asking the following questions:

- ✓ Have there been cases dealt with by courts or complaints brought to the attention of United Nations human rights treaty bodies or special procedures, in particular

the Special Rapporteur on freedom of religion or belief, with respect to the rights of persons belonging to religious minorities?²²

- ✓ Is there recognition and respect for the right to profess and practice religion without discrimination and interference from the State or others? Do guarantees exist for this?
- ✓ Are there any limitations or restrictions placed on the right to manifest one's religion or belief?
- ✓ Is there freedom to adopt, change or renounce a religion or belief? How is freedom to adopt, change or renounce a religion or belief recognized and respected in law and practice?
- ✓ What measures are in place to ensure freedom to worship or assembly in connection with a religion or belief?
- ✓ Is social pressure or forced conversion an issue affecting the minority? If yes, how is the Government addressing this?
- ✓ Is there recognition of religious minorities' holidays by the State? Are they recognized as public holidays?
- ✓ Is there recognition and protection of the right to hold religious ceremonies?
- ✓ What is the procedure for the appointment of religious leaders, priests and teachers, for those belonging to religious minorities?
- ✓ Do people belonging to religious minorities have the right to effectively participate in and be represented on religious advisory bodies? Where such advisory bodies exist, to whom do they provide counsel?
- ✓ Does the Government encourage interfaith and inter-religious dialogue at all levels? How does it do so? Where communal and sectarian issues exist, how does the Government address such matters?
- ✓ Where religious education is a subject of the curriculum, what measures are in place, if any, to promote interfaith and inter-religious understanding and dialogue?
- ✓ Does the Constitution or other national legislation declare the State to be secular and or officially recognize a religion or religions?
- ✓ Is there a requirement that the Head of State or other public officials belong to a certain religion?
- ✓ Is there a requirement to indicate religious affiliation in identity cards?

²² See in particular "framework for communications" contained in the annex to the report of the Special Rapporteur on freedom of religion (E/CN.4/2006/5) as well as the OSCE ODIHR Guidelines for the review of legislation on religion and belief.

- ✓ What measures are in place to protect holy places, including for their non-desecration, and to ensure access to them by religious minorities?
- ✓ Is there government and authorities' support for the repair and maintenance of religious buildings? Is such support subject to any restrictions?
- ✓ Do criteria exist for establishing new religious buildings and are they agreed to in consultation with minority religious representatives or institutions? In that regard, are the following issues of importance for the minority: keeping a geographical distance between different religious buildings or maintaining a distance between existing religious buildings and the establishment of a new religious building?

11. Does the situation of minority women require particular attention?

Discrimination against women remains a persistent and universal problem. However, some women's problems are compounded by their uniquely disadvantaged position in society as members of national, racial, ethnic, religious or linguistic minorities that are targets of discrimination. Women and girls from disadvantaged minority groups experience multiple and intersectional forms of discrimination based on both their minority status and their gender. Such multidimensional discrimination may make them particularly vulnerable to violations and denial of their rights in both public and private life, including in some cases discrimination, violence and sexual assault from both outside and within their communities. They are also subjected to traditional harmful practices such as female genital mutilation.

Minority women often find themselves marginalized and face exclusion within their own communities and in the wider society alike. They have limited opportunities for education and for political participation and lack a political voice, decent work and income-generating opportunities, social and financial capital, and basic social services. Women are also frequently discriminated against with regard to ownership and inheritance of property, which are rights in regard to which minorities and indigenous peoples in general are discriminated.

In situations of armed conflict the vulnerability of women to exploitation and abuse is greatly increased and minority women are often severely affected. As carers and often with primary responsibility for children women are often less able to flee conflict zones, for example. Women have often become the targets of rape and sexual assault used as a "weapon" in conflict situation. When men are killed or forced to flee, women may face additional challenges in regard to their homes and property rights in situations where property is traditionally owned by men.

For this reason a gender perspective is of particular relevance while addressing the situation of minorities in a given country, including in their own communities. However, given gender stereotypes within cultural patterns that are often resistant to social change, this may not be easy.

Below we propose a practical checklist of issues to which particular attention should be paid in relation to minority women:

- ✓ Minority women's access to specific social services, including education in their own language and culturally sensitive health care, child care facilities, etc.
- ✓ Minority women's social and economic conditions and their relation to exploitation and abuse, including trafficking. How does poverty affect women and men differently within the minority community and the society at large?
- ✓ The situation of minority women vis-à-vis matrimonial property rights and the tenure of the land and property in general.
- ✓ Access to employment and income-generating activities, including equal access to human and financial resources such as capital, credit, land, information and technology, training and skills development, market and saving opportunities, social networks, etc.
- ✓ Women's level of participation in decision-making, including local development plans and poverty reduction strategies.
- ✓ Non-discrimination in relation to the acquisition, change and retention of nationality by women and passing on of nationality by women to their children and the impact on the lives of minority women and children.
- ✓ Barriers women face in accessing administration of justice services and the availability of specialized legal advice and legal literacy training.
- ✓ Violence within the community and ways of overcoming it from inside.
- ✓ Abuse and targeting of women in conflicts.
- ✓ Access to education and training – discrimination between boys and girls.
- ✓ Minority women's equal access to humanitarian aid in conflicts or natural disasters.
- ✓ The particular situation of refugee and IDP women in camps where they may be at heightened risk of being subjected to sexual and gender based violence and face problems in accessing specific social and health facilities, water and sanitation, skill and vocational training, child care and other services.
- ✓ Particular discrimination against women on the basis of work of descent (caste) and gender, for example women being forced to do particular tasks such as manual scavenging or forced into prostitution.
- ✓ Interaction between various grounds of discrimination and the special situation of minority women in global migration. Specific vulnerabilities of minority migrant women to exploitation and abuse, including trafficking, need to be taken into account for policy formulation.
- ✓ Supporting dialogue with women belonging to minorities especially in conflict situations (with particular reference to Security Council resolution 1325).

- ✓ Assessing the impact of legislation and policies in addressing discrimination affecting women belonging to minorities.
- ✓ Supporting the training and empowerment of women belonging to minorities.
- ✓ Supporting the creation or work of organizations focussing on the issues of women belonging to minorities.

12. Are there instruments that are especially relevant for monitoring the situation of minority children?

Under international human rights law, children (every human being below 18 years of age) have the right to special care and protection. The Convention on the Rights of the Child is the most comprehensive instrument on this matter, recognizing civil, cultural, economic, political and social rights. The application of the norms set forth in the Convention is anchored in four major principles: non-discrimination; the best interests of the child; the rights to life, survival and development; and respect for the views of the child.

The Convention applies to everyone equally, with special protections (art. 30) for particularly vulnerable groups, such as ethnic minority children. The Convention also lists a series of areas where States are obliged to take measures to protect children's interests, including protecting them from physical or mental harm and neglect; special consideration of children in conflict with the law; the right of disabled children to special treatment; the right to birth registration and to acquire a nationality; the right of refugee children to receive appropriate protection and humanitarian assistance; education and care; health care for all children; free and compulsory primary education; protection from economic exploitation; protection from all forms of abuse and exploitation and prohibition on the recruitment of children under the age of 15 into the armed forces.

Regrettably, minority children are severely affected by situations involving a lack of protection in each one of the above-mentioned fields. For this reason, particular attention should be paid, inter alia, to a number of issues which are listed in the checklist below:

- ✓ The right to life;
- ✓ Situations of violence;
- ✓ Non-discrimination;
- ✓ Preservation of identity;
- ✓ The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- ✓ Family and community violence including possible abuse and neglect;
- ✓ Health care and services for children and access for minority children;
- ✓ Equity between men and women and boys and girls within the community;
- ✓ Situation of minority disabled children;
- ✓ Segregation in access to education of minority children;
- ✓ Education and learning of mother tongue and culture;
- ✓ Freedom of religion;
- ✓ Economic exploitation including child labour;
- ✓ Sexual abuse and exploitation;
- ✓ Child trafficking;

- ✓ Children in emergencies, in particular minority refugee children and minority internally displaced children.

In its general comment No. 6, the Committee on the Rights of the Child noted:

“State obligations under the Convention apply to each child within the State’s territory and to all children subject to its jurisdiction (art. 2). These State obligations cannot be arbitrarily and unilaterally curtailed either by excluding zones or areas from a State’s territory or by defining particular zones or areas as not, or only partly, under the jurisdiction of the State. Moreover, State obligations under the Convention apply within the borders of a State, including with respect to those children who come under the State’s jurisdiction while attempting to enter the country’s territory. Therefore, the enjoyment of rights stipulated in the Convention is not limited to children who are citizens of a State party and must therefore, if not explicitly stated otherwise in the Convention, also be available to all children - including asylum-seeking, refugee and migrant children - irrespective of their nationality, immigration status or statelessness.”²³

This is of particular relevance to minority children who may be stateless or lack registration documents, which can increase their vulnerability to abuse, trafficking and other forms of exploitation. Stateless children may be denied the full enjoyment of their rights under the Convention owing to discriminatory access to education, social and health services.

13. Do the promotion and the protection of the rights of minorities help in conflict prevention and conflict resolution?

The promotion and protection of the rights of persons belonging to minorities has been demonstrated to be an effective means of conflict prevention and resolution, and of building stable, inclusive societies in post-conflict situations. If minority rights are respected based on the rule of law, all people, regardless of their language, religion, culture or ethnicity, will be able to exercise all their rights on an equal footing and freely express and pursue their legitimate aspirations. However, this principle is far from fully realized and, too often, long-term and entrenched inequality, discrimination and exclusion are the root cause of many conflicts particularly where the State is considered to be failing to act to remedy the situation, or deliberately excluding minorities. Refugee, returnee and internally displaced minorities are often left out of the peace and reconciliation process. Effective prevention should encompass dialogue among all sectors of society, confidence-building and a fair distribution of resources.

Effective participation by minorities in public life is an essential component of a peaceful and democratic society and should take place across a wide range of areas. Where minorities are systematically excluded from decision-making, efforts should be made to facilitate minority representation at all levels, for example in parliaments and other legislative bodies including through the allocation of seats. The promotion of rights, identity and culture can be assisted through the introduction and promotion of certain forms of self-governance, including forms of territorial or cultural autonomy. This is particularly relevant in the case of education, culture, the use of minority language or religion.

²³ CRC/GC/2005/6, paragraph 12.

Ensuring the promotion of meaningful and informed consultation and participation and the management by minorities of matters directly affecting them as a way of protecting and promoting their interests and identities, is a means for promoting stability and integration in the societies where minorities live.

14. How can we better ensure the effective participation of minorities in the work of the UN?

Effective and meaningful participation is crucial in any work of the United Nations but particularly relevant to minorities. Participation cannot be separated from capacity-building and empowerment. The success of any planning, monitoring, review and evaluation programme addressed to them depends on involving the right people at the right time and ensuring the inclusion of their views in all processes.

There is an expectation to consult with the beneficiaries of proposed programmes and projects before designing them. There is also an expectation on the part of minority representatives that any civil society consultative body set up to advise or cooperate with the UN is composed of representatives of all sectors of the population, including persons belonging to minorities.

There are a number of ways in which the UN can support the effective participation of persons belonging to minorities. Below is a checklist of issues to be promoted in this respect. In particular, a stakeholder analysis may help to decide how to establish the widest possible consultation process. Suggestions on how to ensure that this happen can also be found in the checklist:

The UN may support the effective participation of persons belonging to minorities by ensuring:

- ✓ Their participation in the development, design, implementation and evaluation of UN programmes, particularly through civil society advisory or consultative bodies to the UN;
- ✓ Support for their participation in national, regional or local level government decision-making, particularly through advisory or consultative bodies;
- ✓ Promotion of their participation in cultural decision-making bodies or religious advisory bodies;
- ✓ Encouragement and empowerment for their participation in public and political life, including through sharing good experiences;
- ✓ The grounds for their involvement in the sharing of the benefits of development and economic progress in equal conditions as the rest of the society;
- ✓ Affirmative actions to increase access for persons belonging to minorities to jobs and internships or fellowships programmes;
- ✓ Encouraging and assisting reform of discriminatory processes or electoral systems.

Efforts should be made to ensure, among other things:

- ✓ Access to the UN's work by minority groups;

- ✓ Participation of the least powerful (or non-dominant) in the process of programme planning and analysis of situation affecting women and children;
- ✓ Assessing the efficiency of the already existing consultation mechanisms before establishing new processes;
- ✓ Particular attention to understand the power relations and cultural behaviour and respect for cultural appropriateness of participation;
- ✓ Creation of ownership by the targeted group;
- ✓ When possible envisage promoting joint initiatives with minority organizations;
- ✓ As much as possible facilitate collaborative efforts and better coordination.

15. What activities are the United Nations currently undertaking to provide human rights capacity-building of minority representatives and minority communities?

Many UN agencies undertake capacity-building of civil society. Efforts should be made to include minority participants in these activities. Below are just some examples and initiatives.

Programme in Peacemaking and Conflict Prevention: This programme was initiated by UNITAR in 1993 to enhance the effectiveness of the United Nations' efforts in conflict prevention and resolution. Since then, it has expanded to provide a range of research and training. The focus of the UNITAR Training Programme to Enhance the Conflict Prevention and Peacebuilding Capacities of Indigenous Peoples' Representatives is on a problem-solving negotiation approach to strengthen participants' capacity to more effectively negotiate to have their needs met, while also promoting constructive relationships between members of their communities and those in the dominant community. UNITAR also organizes this programme at the regional level focusing mainly on the training of representatives from the most excluded groups including indigenous and minority representatives with the aim of strengthening their negotiation skills. These regional training courses include specific sessions on identity and conflict. In addition, UNITAR organizes an annual regional training programme for African Government officials and UN peace operation staff, and the UNITAR-IPI Fellowship Programme in Peacemaking and Preventive Diplomacy for mid and senior-level UN staff and diplomats from around the world using negotiation simulations focusing on minority concerns and strengthening skills in conflict analysis and mediation.²⁴

Minority Fellowship Programme: OHCHR organizes annual human rights training programmes specifically addressed to minorities. The Minority Fellowship Programme is aimed at strengthening the knowledge of minority representatives of the UN system and mechanisms so they can better promote and protect the rights of their respective communities. The Minority Fellowship Programme started in 2005 and by mid-2008 34 minority representatives from different ethnic, religious and linguistic communities have already benefited from this programme. It is currently available in English and Arabic.²⁵

Community-Led Training: In addition, through OHCHR the UN also carries out community-led human rights trainings to encourage former minority fellows and other representatives to use the skills acquired through their work with OHCHR to extend their human rights knowledge to the entire community. The proposals are submitted to OHCHR

²⁴ For more information see <http://www.unitar.org/peacemaking/PPD1.htm>.

²⁵ For more information see <http://www2.ohchr.org/english/issues/minorities/fellowprog.htm>.

(Indigenous Peoples and Minorities Unit) which analyses their relevance and presents them to the OHCHR Grants Committee for possible funding. The community-led training is a training series at the community and grass-root levels on the promotion and protection of human rights with the direct involvement of minority representatives in the formulation, methodology, programme implementation and evaluation.

The long-term objective would be to develop a harmonized Inter-Agency Programme and more opportunities for the fellows already trained to further cooperate with UN agencies and national human rights institutions upon return. In this context, UN colleagues in the field are encouraged to promote the programme and to encourage former fellows to contact their respective agencies and programmes for collaboration.

The United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: The Fund gives small grants to organizations for projects that provide legal, financial and humanitarian assistance to victims of contemporary forms of slavery and often supports projects of minority organizations. Examples of the Fund's grants include medical aid, food, shelter and vocational training to girl victims of trafficking for sexual and economic exploitation; support for a rehabilitation centre for street children; identification and release of bonded labourers in the carpet industry and stone quarries; education and provision of healthcare to children who had been working in brick kilns, etc. The maximum grant for any project is \$15,000 and the average grant is about \$10,000. The deadline for applications is December each year. More information on the Fund, including application forms and criteria, can be found on the website: <http://www2.ohchr.org/english/about/funds/slavery/>.

IV. ANNEX

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

(Adopted by General Assembly resolution 47/135 of 18 December 1992)

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in the Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular by the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is done by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

4. Persons belonging to minorities have the right to establish and maintain their own associations.

5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.
4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, *inter alia*, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in the present Declaration.

Article 8

1. Nothing in the present Declaration shall prevent the fulfillment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfill in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. The exercise of the rights set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States to ensure the effective enjoyment of the rights set forth in the present Declaration shall not prima facie, be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in the present Declaration, within their respective fields of competence.

* * *