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Human Rights and Ethnicity:

What are the Human Rights of Ethnic Minorities?
Human Rights are universal, and civil, political, economic, social and cultural rights belong to all human beings, including members of ethnic minority groups. Members of ethnic minorities are entitled to the realization of all human rights and fundamental freedoms on equal terms with others in society, without discrimination of any kind. Ethnic minorities -- both the individuals belonging to ethnic minorities and ethnic minorities as groups -- also enjoy certain human rights specifically linked to their ethnic status, including their right to maintain and enjoy their culture, religion, and language free from discrimination.

The Human Rights at Issue
The human rights of ethnic minorities are explicitly set out in the Universal Declaration of Human Rights, the International Covenants, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities and other widely adhered to international human rights treaties and Declarations. They include the following indivisible, interdependent and interrelated human rights:

The human right of members of ethnic minorities to freedom from any distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin, language, religion, birth, or any other status, which has the purpose or effect of impairing the enjoyment of human rights and fundamental freedoms.

The human right of members of ethnic minorities to freedom from discrimination in all areas and levels of education, employment, access to health care, housing, and social services.

The human right of each member of an ethnic minority to equal recognition as a person before the law, to equality before the courts, and to equal protection of the law.

The human right of all members of ethnic minorities to participate effectively in cultural, religious, social, economic and public life.

The human right of members of ethnic minorities to freedom of association.

The human right of ethnic minorities to exist.

The human right of ethnic minorities to freedom from genocide and Aethnic cleansing.

The human right of ethnic minorities to enjoy and develop their own culture and language.

The human right of ethnic minorities to establish and maintain their own schools and other training and educational institutions, and to teach and receive training in their own languages.

The human right of members of ethnic minorities to participate in shaping decisions and policies concerning their group and community, at the local, national and

international levels.

The human right of ethnic minorities to autonomy in matters internal to the group, including in the fields of culture and religion.

Governments' Obligations to Ensuring the Human Rights of Ethnic Minorities

What provisions of human rights law guarantee the Human Rights of Ethnic Minorities?

Includes excerpts from the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention against Discrimination in Education, and the ILO Indigenous and Tribal Peoples Convention (No. 169).

"All human beings are born free and equal in dignity and rights.... Everyone is entitled to ... rights ... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.... All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination ... and against any incitement to ... discrimination.... Everyone, without any discrimination, has the right to equal pay for equal work...."

-- Universal Declaration of Human Rights, Articles 1, 2, 7, and 23

"States Parties...undertake to guarantee that ... rights ... 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.... The States Parties ... recognize the right of everyone to ... Fair wages and equal remuneration for work of equal value without distinction of any kind.... Equal opportunity for everyone to be promoted.... Education ... shall be made equally accessible to all."

-- International Covenant on Economic, Social and Cultural Rights, Articles 2, 7, and 13

"Each State Party ... undertakes to ... ensure ... rights ... without distinction of any kind.... All persons shall be equal before the courts.... Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor.... All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.... The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground..... 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."

-- International Covenant on Civil and Political Rights, Articles 2, 14, 24, 26, and 27

"The Contracting Parties confirm that genocide ... is a crime under international law which they undertake to prevent and to punish.... [Genocide] means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group...: Killing members of the groups; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group."

-- Convention on the Prevention and Punishment of the Crime of Genocide, Articles 1 and 2

"States Parties condemn racial discrimination and undertake to pursue ... a policy of eliminating racial discrimination in all its forms.... Each State Party undertakes to engage in no act ... of racial discrimination....; Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination...; Each State Party shall prohibit and bring to an end ... racial discrimination by any persons, group or organization.... States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, national or ethnic origin, to equality before the law, notably in the enjoyment of ...

political rights ... civil rights ... economic, social and cultural rights, in particular: the right to work, ... to just and favourable conditions or work, to protection against unemployment, to equal pay for equal work...; the right to housing; ... to public health, medical care, social security and social services; the right to education and training.... States Parties shall assure ... effective protection and remedies ... against any acts of racial discrimination.... "

-- Convention on the Elimination of All Forms of Racial Discrimination, Articles 2, 5, and 6

"States Parties shall respect and ensure ... rights ... to each child ... without discrimination of any kind irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.... States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information.... States Parties shall ... Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous.... States Parties recognize the right of the child to education, and ... shall ... make primary education compulsory and available free to all; ... make [secondary education] available and accessible to every child...; make higher education accessible to all.... States Parties agree that the education of the child shall be directed to ... the development of respect for the child's parents, his or her own cultural identity, language and values.... 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 practice his or her own religion, or to use his or her own language. "

-- Convention on the Rights of the Child, Articles 2, 17, 28, 29 and 30

"... States Parties ... undertake: To ... discontinue any ... practices which involve discrimination in education.... It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and ... the use or the teaching of their own language...."

-- Convention against Discrimination in Education, Articles 3 and 5

"Governments shall have the responsibility for ... Ensuring that [indigenous] peoples benefit on an equal footing from the rights and opportunities which national laws and regulations grant to other members of the population.... Indigenous and tribal peoples shall enjoy ... human rights ... without ... discrimination.... Governments shall ... Establish means by which [indigenous] peoples can freely participate ... at all levels of decision-making in ... institutions and ... bodies responsible for policies and programmes which concern them.... The peoples ... shall have the right to decide their own priorities for ... development as it affects their lives ... and the lands they occupy ... and to exercise control ... over their ... development...."

-- ILO Indigenous and Tribal Peoples Convention, (No. 169), Articles 2, 3, 6, and 7

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Governments' Commitments to Ensuring the Human Rights of Ethnic Minorities

What commitments have governments made to ensuring the realization of the Human Rights of Ethnic Minorities?

Includes excerpts from the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and commitments made at the World Conference on Human Rights in Vienna, the World Summit for Social Development in Copenhagen, the Habitat II conference in Istanbul.

"States shall protect the existence and the ... ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.... Persons belonging to national or ethnic, religious and linguistic minorities ... have 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, freely and without interference or any form of discrimination.... Persons belonging to minorities have the right to participate effectively in decisions ... concerning the minority to which they belong or the

regions in which they live.... 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 ... citizens of other States to whom they are related by ... ethnic, religious or linguistic ties.... Persons belonging to minorities may exercise their rights ... individually as well as in community with other members of their group, without any discrimination.... States shall ... 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. 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..... States should take appropriate measures so that ... persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue. 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..... States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country."

-- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities, Articles 1, 2, 3, and 4

"No one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief.... All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights ... in all fields of civil, economic, political, social and cultural life...."

-- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Articles 2 and 4

"Respect for human rights ... without distinction of any kind is a fundamental rule of international human rights law. The ... elimination of all forms of racism and racial discrimination ... and related intolerance is a priority task for the international community.... The World Conference on Human Rights reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights ... without any discrimination and in full equality before the law.... The persons belonging to minorities have 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, freely and without interference or any form of discrimination.... The World Conference ... expresses its dismay at massive violations of human rights especially in the form of genocide, >ethnic cleansing' and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons. While strongly condemning such abhorrent practices it reiterates the call that perpetrators of such crimes be punished and such practices immediately stopped.... The World Conference ... urges States and the international community to promote and protect the rights or persons belonging to national or ethnic, religious and linguistic minorities.... Measures to be taken ... should include facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country.... "

-- Vienna Declaration, Part I, paras. 15, 19, and 28; Part II, paras. 26 and 27

"We commit ourselves to promoting social integration by fostering societies that are stable, safe and just and that are based on ... non-discrimination, tolerance, respect for diversity, equality of opportunity, ... and participation of all people.... To this end ... we will ... Formulate or strengthen policies and strategies geared to the elimination of discrimination in all its forms and the achievement of social integration based on equality and respect for human dignity.... Promote access for all to education, information, technology ... as essential means for enhancing ... participation in civil, political, economic, social and cultural life.... Recognize and respect cultural, ethnic and religious diversity, promote and protect the rights of persons belonging to national, ethnic, religious or linguistic minorities, and take measures to facilitate their full participation in all aspects of the political, economic, social, religious and cultural life of their societies and in the economic progress and social development of their countries..."

-- Copenhagen Declaration, Commitment 4

"Eliminating discrimination and promoting tolerance and mutual respect for ... diversity ... requires ... Enacting and implementing ... laws ... to combat racism, racial discrimination, religious intolerance in all its various forms, xenophobia and all forms of discrimination in all walks of life in societies.... Taking specific measures ... to remove long-standing legal and social barriers to employment, education, productive resources and public services;... Governments should promote equality and social justice by: Ensuring that all people are equal before the law; Carrying out a regular review of public policy, including health and education policies, and public spending from a social ... equality and equity perspective...; Expanding and improving access to basic services with the aim of ensuring universal coverage...; Promoting full access to preventive and curative health care to improve the quality of life, especially by the vulnerable and disadvantaged groups...."

-- Copenhagen Programme of Action, paras. 73 and 74

"We are determined to ... ensure equal enjoyment of all human rights ... for all women and girls who face multiple barriers to their empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, religion, or disability, or because they are indigenous people...."

-- Beijing Declaration, para. 32

"Massive violations of human rights ... in the form of genocide, ethnic cleansing as a strategy of war ... and rape, creating a mass exodus of refugees and displaced persons, are abhorrent practices that are strongly condemned and must be stopped immediately, while perpetrators of such crimes must be punished.... Gross and systematic violations ... that constitute serious obstacles to the full enjoyment of human rights ... include ... all forms of racism, racial discrimination, xenophobia, ... and religious intolerance.... Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes."

-- Beijing Platform for Action, paras. 131 and 132

"As human beings are at the centre of our concern for sustainable development, they are the basis for our actions in implementing the Habitat Agenda.... We shall intensify our efforts to eradicate ... discrimination, to promote and protect all human rights and fundamental freedoms for all...."

-- Istanbul Declaration, para. 7

"Equitable human settlements are those in which all people, 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, have equal access to housing, infrastructure, health services, adequate food and water, education.... We ... commit ourselves to ... Eradicating and ensuring legal protection from discrimination in access to shelter and basic services, without distinction of any kind...."

-- Habitat Agenda, paras. 27 and 40

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For more information, please contact PDHRE

The People's Movement for Human Rights Education (PDHRE) / NY Office
Shulamith Koenig / Executive Director
526 West 111th Street, New York, NY 10025
tel: 212.749-3156; fax: 212.666-6325;
e-mail: pdhre@igc.org