



Minority Rights



Federal Ministry
for Foreign Affairs
of Austria



“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.”

Art. 27, International Covenant on Civil and Political Rights, 1966.

- ▶ **17th century:** Protection of religious minorities, *e.g.*: Treaty of Westphalia (1648).
- ▶ **After WWI:**
 - New minority regulations, minority provisions in multilateral peace treaties and the principle of national self-determination.
 - Finland, in 1921, and Estonia, in 1923, launched declarations to protect national minorities.
- ▶ **After WWII:** individual rights protection gained importance over minority rights.
- ▶ **End of 20th century:** minority issues were placed again on the human rights agenda.
- ▶ **Nowadays:** the protection of minority rights is highly prioritised.

Minority:

- ▶ No universally agreed definition; however, it has been broadly accepted to be defined as:

“A group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.”

- ▶ Indigenous peoples are special minority groups with specific protection.

Minority rights:

- ▶ Norms which protect national minorities in states and constitute additional rights for certain groups.
- ▶ They include, among others:
 - The right to education in the minority language for pupils.
 - The right to use the minority language in public and in relation to governmental services.
 - The use of names and surnames in the minority language.
 - The right to maintain the minority culture.
 - The right to political participation.

- ▶ **Principle of Non-discrimination:** States are obliged to respect and protect the principle of non-discrimination contained in all international and numerous regional human rights instruments.
- ▶ **Integration:** States should promote all areas of social, legal and political integration such as labour market, education, cultural aspects and participation in public life by virtue of civic rights and duties.
- ▶ **Positive Measures:** States should take active measures to protect and promote minorities and their culture.

International:

- ▶ **Art. 27** of the International Covenant on Civil and Political Rights grants:
 - Right to national, ethnic, religious and linguistic identity.
 - Right to preserve their characteristics

- ▶ UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992.

Regional:

- ▶ ECHR.
- ▶ European Social Charter.
- ▶ Charter of Fundamental Rights of the EU.
- ▶ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE.
- ▶ American Convention on Human Rights.
- ▶ African Charter on Human and People's Rights.

UN

▶ **Human rights treaty bodies:**

- Human Rights Committee.
- Committee on Economic, Social and Cultural Rights.
- International Committee on the Elimination of Racial Discrimination.
- Committee on the Rights of the Child.

▶ **Early warning mechanisms** such as the UN High Commissioner for Human Rights and UN Committee on the Elimination of Racial Discrimination.

OSCE

- ▶ The **OSCE High Commissioner on National Minorities** functions as an “early warning” and “early action” mechanisms concerning minorities.

CoE

- ▶ The **Committee of Experts of the European Charter for Regional or Minority Languages** of 1992 reviews states reports.
- ▶ The **Framework Convention for the Protection of National Minorities** of 1995 is the first legally binding document exclusively for the protection of minorities.
- ▶ The **European Court of Human Rights** clarifies the impact of human rights for minorities.

AU

- ▶ The **African Commission on Human and People's Rights** and the **African Court on Human and People's Rights** as the judicial body.

OAS

- ▶ The **Inter-American Court of Human Rights** and the **Inter-American Commission on Human Rights**.
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- ▶ **IGOs and NGOs** play a significant role in the protection of minority rights by collecting and providing information, raising awareness, and demanding their implementation.

- 1920 League of Nations.
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination.
- 1966 International Covenant on Civil and Political Rights.
- 1966 International Covenant on Economic, Social and Cultural Rights.
- 1989 Convention on the Rights of the Child.
- 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE.
- 1992 European Charter for Regional or Minority Languages.
- 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

- 1994 General Comment No. 23 on the Rights of Minorities (Art. 27, ICCPR).
- 1995 Council of Europe Framework Convention on National Minorities.
- 2000 General Comment No. 14 on the Right to the highest attainable Standard of Health (Art. 12, ICESCR).
- 2005 Commentary of the Working Group on Minorities to the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
- 2007 Forum on Minority Issues by the Human Rights Council (Resolution 6/15).