 **Oasis International School Model United Nations**

**Human Rights Council**

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**Guiding Package**

**Topic 2 :** Measures to protect and maintain the rights to cultural diversity of national, ethnic, religious and linguistic minorities

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**Abstract**:

A minority group is an ethnic, religious or linguistic grouping of individuals, significantly fewer in terms of number than the majority of the population, whose members relate to a common identity and culture. Members of minorities also commonly share ethnic, religious, linguistic or cultural characteristics that distinguish them from the majority of the society. Nevertheless, the characteristics that define minorities vary widely from context to another. Indigenous communities generally occupied land in a territory prior to it being colonized by dominant cultures. The continuity of occupation may be legitimized in terms of ancestral land, ancestry, language, or cultural forms; it is sometimes reflected in the term ‘first people. Indigenous communities as well as minorities tend not to be dominant when faced with a cultural majority. Yet in other countries they enjoy particular rights, which include the practice of customary law and traditional and cultural heritage. Ethnic, religious and linguistic minorities and indigenous peoples are mainly marginalized by the majority of the society as they remain in a weak socio-economic position when compared to the rest of the population. Numerous minority groups all across the globe are victims of various human rights violations, violence, conflict, ethnic or religious persecution, and in extreme cases, genocide. Therefore they represent a large section of people seeking international protection and asylum.

**Introduction**:

 All modern day societies include groups of individuals belonging and relating to national or ethnic, religious and linguistic minorities, which play a huge role in enriching the diversity of the societies. A great variety of minority situations exist; yet they face multiple forms and means of discrimination resulting in marginalization and exclusion. In order to gain effective participation of minorities on an international scale it requires embracing and promoting diversity through the correct implementation of international human rights standards. The United Nations and other intergovernmental organizations recognize that minority rights are essential to be protected and maintained for those who wish to preserve, develop values and practices which they share with their community. States who take appropriate measures to promote and protect  minority rights are more likely to maintain a stable, secure and progressive environment. The UN took the first major step in this direction in 1992 when they adopted the United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities. It sets essential standards to ensure the rights of people belonging to minorities. It also offers guidance to States to manage diversity and ensure non-discrimination, and help minorities achieve what they desire and strive for. By the correct implementation of these two principles one may guarantee the respect of the minority groups human rights, which include an effective participation in all fields of society.

**Key Terms:**

Minority group: refers to a category of people alienated from the majority of the society due to differences related to their ethnicity, culture or religious beliefs.

Cultural identity: is the feeling of belonging to a certain category or combination of religious, traditional and ideological aspects, it is one's self-conception related to ethnicity, nationality, religion and culture.

Cultural heritage: is a certain way of living developed by minorities and majorities as well that is passed on from generation to another which includes traditional customs, practices and values.

Custom law: is an established system of behavior and conduct, which is objectively verified within a specific social and geographical setting.

Marginalization: is the treatment of an individual, group of individual or ideology as negligible and insignificant.

**Background Information:**

Rules guaranteeing protecting minority rights are mainly integrated in each and every human rights instruments and forms intergovernmental organizations such as the United Nations are aware that minority rights are crucial to maintain and enhance to those who wishes to preserve and develop traditions, values and practices shared with others members of their society. Noting that minority groups provide essential contribution to the diversity and richness of States globally. In addition their contributions to their society benefits greatly their states thus leading their state to remain more likely tolerant and stable. The protection of the rights of minorities is provided for under article 27 of the [International Covenant on Civil and Political Rights](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx) and article 30 of the [Convention on the Rights of the Child](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx). In addition, states throughout the world should be able to influence the human rights monitoring and implementation procedures and work toward securing effective participation and inclusion through their obligations under international treaty laws.  The first significant attempt to identify internationally recognized minority rights was through a number of “minority treaties” adopted under the sponsorship of the League of Nations which after the World War I has become one of the League’s central concerns. Such treaties were firstly, the Polish treaty which was signed in June 1919, which served as the template for the subsequent ones. Although the implantation of the minority treaties was limited, their significance was not underestimated. They had concrete implications for minorities within the State, and they constituted an important step in the development of international minority rights and human rights law. The treaties conferred equal and just rights on all the citizens and individuals of the country without distinction of birth, nationality, language, race or religion. The treaty had even maintained and preserved the rights of all nationals of the country who differed in race, religion, or language from the majority of the inhabitants of the country. With the creation of the United Nations, attention initially shifted to universal human rights. However, the United Nations has gradually developed a number of norms, procedures and mechanisms concerned with minority issues. The 1992 United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities is the fundamental guide that guides the activities of the United Nations today.

**UN involvement**:

   The main point of reference for the international community concerning the fundamental rights of minorities is the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in 1992, based on A/RES/47/135 of 92nd plenary meeting on the 18 December 1992. Such declaration consists of rights to which minority groups are entitled to, including the right to enjoy their own culture with complete freedom. In addition it contains measures which States could put in place to establish an environment promoting and encouraging the enjoyment of such rights. For instance through spreading public knowledge of the history, traditions, language and culture of minorities existing within their territories and communities. Such environment would enable individuals belonging to minority groups to fully participate in economic, political and social development of the given state, as to be entirely committed to the surrounding community. In addition, it is customary of all UN member states to implement policies and laws in favor of the interests of minority groups within its borders. Since 2005, the main point of interest at the United Nations is the Independent Expert on minority issues whose mandate is to promote and encourage the correct implementation of the 1992 Declaration. Afterword many resolutions were submitted by various council( such as the human rights council ) recalling resolution A/RES/47/135. For instance on the 28th of september 2007, resolution 6/15 of the Human Rights Council was adopted as to further promote the rights of minorities on an international scale. The resolution tackles means as to guarantee equal constitutional rights to individuals belonging to minority groups in their own respective state.

**Countries and Organizations:**

***Turkey***

Kurds in Turkey are the largest ethnic minority in the country. They represents between 15% and 20% of the population. There are Kurds living in various provinces of Turkey, but they are primarily concentrated in the east and southeast of the country, within the region viewed by Kurds as Northern Kurdistan.

***Mali***

Since The Republic of Mali's independence on the 20th of June in 1960 from the French Colonization, the state has been facing social instabilities amongst its ethnic groups divided between the north and south of Mali. The republic of Mali is known to be an ethnically diverse country containing numerous ethnic groups such as : the Mande ( including the Malinke, Bambara and Sarakole ) that account for 50% of the total population, which is 18 million as of 2016, the Peul representing 17%, the Voltaic accounting 12%, the Songhai representing 6% and finally the Tuareg and Moor of 10%.

***Myanmar***

 Anti-Muslim violence and discrimination and religious conflict remain till this day in Myanmar and are one of the main concerns high atop the priority lists of many countries and international organizations. Yet the country’s continued fragility makes it all the more important for [international involvement](http://www.tandfonline.com/doi/full/10.1080/15570274.2016.1184443) to be carefully calibrated.

***Australia***

  Australians speak over 200 languages. Languages other than English are spoken by about 16% of the population with about 61,000 people speaking an Indigenous language. Other than English, the most common languages spoken today are Chinese, Italian, Greek and Arabic. There are over 50 Indigenous languages and Australian creoles actively spoken by Australians.

***ILO: International Labour Organization***

The International Labour Organization (ILO) is the first specialized agency of the United Nations system. The tripartite structure of ILO consisting of representatives of Governments, employers and workers is unique among intergovernmental organizations; ILO is the only organization in which Governments do not control all the votes. The procedures developed by the ILO for the protection of human rights may be only used by a Government, workers or employers association. However, many of the ILO non-discrimination norms and its promotional, oversight and technical assistance activities may be of interest to minorities.

***UNDP United Nations Development Programme***

The United Nations Development Programme (UNDP) is the global development system of the United Nations, whose goal is to assist countries in acquiring knowledge, experience and resources to help people build a better life. The UNDP supports States Members of the United Nations in developing national and local capacities for human development and in achieving the Millennium Development Goals. There are ethnic, religious and linguistic minorities in all UNDP countries of operation and a strong link between minority issues and each of its key focus areas. Increased attention to minority rights can help overcome obstacles to achieving the Millennium Development Goals. UNDP strives to strengthen national development plans by drawing attention to the negative impact of excluding minorities and the benefits of working to include minorities. It recognizes that minority-based civil society organizations and its own employees who belong to minority groups bring valuable experiences, skills and knowledge to its work. It strives to build diversity among its employees and invites minorities to become strategic partners and support it in achieving its development goals.

***UNESCO: United Nations Educational, Scientific and Cultural Organization***

The United Nations Educational, Scientific and Cultural Organization (UNESCO) undertakes a wide range of studies, projects, technical assistance activities and other initiatives that may be relevant to minorities in protecting their culture, religion and education and preventing discrimination. Members of minorities are able to submit complaints under a confidential UNESCO procedure, alleging that rights falling within the mandate of UNESCO on education, science, culture and communication have been violated. The major programmes of UNESCO focus on minorities and respect for their rights as set forth in the International Covenant on Economic, Social and Cultural Rights. In article 27 of the International Covenant on Civil and Political Rights; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant international instruments.

***UNHCR: Office of the United Nations High Commissioner for Refugees***

The United Nations High Commissioner for Refugees is mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and to find durable solutions which protect them. In all its activities, UNHCR promotes an age-, gender- and diversity-sensitive approach and pays particular attention to groups with specific needs, seeking to promote the equal rights of marginalized groups. UNHCR conducts a number of activities in the field under the four broad categories of identification, prevention and reduction and protection of stateless persons. UNHCR works actively to gather information regarding stateless populations. UNHCR works in a variety of ways to change conditions which could lead to statelessness. UNHCR believes that partnerships are the best means of ensuring that people especially minorities, are protected. One of its main priorities is working with civil society partners around the world. Most of the civil society organizations with which UNHCR works with is local organizations. UNHCR works with both implementing and operational partners.

***UNICEF: United Nations Children’s Fund***

The United Nations Children’s Fund (UNICEF) works to secure the rights of minority children and women by undertaking a wide range of activities in five focus areas: young child survival and development; basic education and gender equality; children and AIDS; child protection from violence, exploitation and abuse; and policy advocacy and partnerships for children’s rights. UNICEF is a human rights-based organization, its involvement in the promotion and protection of the rights of minority children and women is an obligation. Given that minority children are often the most disadvantaged in the societies in which they live; this founding principle offers a sound basis for the agency’s engagement in minority issues. UNICEF is in a unique position to encourage the introduction of minority issues into public policy agendas and thus to make a difference in the lives of minorities. In the most disadvantaged regions and countries, UNICEF supports Government's’ efforts and directly delivering assistance to minority children and women.

**Guiding Questions:**

Does the situation of persons belonging to religious minorities require particular attention, if yes why and how?

What structures and settings could be implemented to improve the situation of minorities?

Can the promotion and the protection of the rights of minorities help to prevent or resolve conflict?

How to ensure the effective participation of minorities in economic, political and social sectors of the majority of society?

How to assess and comprehend the situation of minority groups on a national and international scale?

**Possible Solutions:**

1- Encourages the protection and promotion of the national or ethnic, cultural, religious and linguistic identity of minorities in states within their respective territories

2- Calls upon the UN to guarantee the safety of persons belonging to national, ethnic, religious and linguistic minorities and their rights to practice their religion, to use their  own language, in private and in public, freely and without interference.

3- Invites all nations to abide by international treaty law which ensures that minority groups of all kind are to be guaranteed their fundamental human rights.

4- Insists that minority and indigenous persons are identified and registered.

**Useful links:**

<http://www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx>

<http://minorityrights.org/directory/>

<http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>

<http://peoplesunderthreat.org/countries/>

<https://www.historyandheadlines.com/10-oppressed-minorities-around-world/>

<http://www.ohchr.org/Documents/Issues/Minorities/Booklet_Minorities_English.pdf>

<http://www.ohchr.org/Documents/Publications/MinorityRights_en.pdf>

<http://www.ohchr.org/Documents/Publications/HR-PUB-12-07_en.pdf>

<http://www.un.org/documents/ga/res/47/a47r135.htm>

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Ana Filipa Vrdolak*, Minorities, Cultural Rights and the Protection of Intangible Cultural Heritage*, available on <http://www.esil-sedi.eu/sites/default/files/Vrdoljak09-05.pdf>, consulted on the 8th of August 2017

United Nations High Commissioner for Human Rights, *Promoting and Protecting Minority Rights A Guide for Advocates,* available on <http://www.ohchr.org/Documents/Publications/HR-PUB-12-07_en.pdf>, consulted on the 8th of August 2017

UNHCR: The UN Refugee Agency, *Ethnic, religious and linguistic minorities and indigenous peoples*, available on <https://emergency.unhcr.org/entry/94568/ethnic-religious-and-linguistic-minorities-and-indigenous-peoples>, consulted on the 8th of August 2017

UNHRC, Minorities, available on <http://www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx>, consulted on the 8th of August 2017

Minority Rights Group, *World Directory of Minorities and Indigenous Peoples*, available on <http://peoplesunderthreat.org/directory/> , consulted on the 8th of August 2017

UNHRC, *United Nations Development Group Guidelines On Indigenous People’s Issues*, available on <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>, consulted on the 8th of August 2017

The United Nations, *Vulnerable People: National, ethnic, religious and linguistic minorities,* available on <http://www.un.org/en/letsfightracism/minorities.shtml>, consulted on the 8th of August 2017

**Annexes**:

<https://www.youtube.com/watch?v=b1-GFO_dKM4>

<https://www.youtube.com/watch?v=6dRa-aPqjLI>

