

An Analytical Study of International Standards on Minority Rights

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Abstract: The recognition and protection of minority rights under international law began with the establishment of the League of Nations which adopted several “minority treaties”. When the United Nations was set up in 1945 to replace the League of Nations, it too, gradually developed a number of norms, procedures and mechanisms with an aim to protect minorities. Apart from UN various international statutes and standards have provided the broad framework for the protection and promotion of these minorities.

This article is an endeavor by the author to ascertain the meaning of the term ‘Minority’ as enshrined in different international statutes. Author has also made an attempt to analyze the scope of minority rights at the international forum. Article also consist analysis of various international statutes providing array of rights to the minorities with help of relevant case laws.

Keywords: Minority, Rights, International Statutes

I. Introduction

The U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities has defined minority as under:

- 1) The term 'minority' includes only those non-dominant group of the population which possess and wish to preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the rest of the population;
- 2) Such minorities should properly include the number of persons sufficient by themselves to preserve such traditions or characteristics; and
- 3) Such minorities should be loyal to the state of which they are nationals.

The United Nations Minorities Declaration, 1992

Article 1 of this declaration refers minority as, ““based on national or ethnic, cultural, religious and linguistic identity, and provides that States should protect their existence. There is no internationally agreed definition as to which groups constitute minorities. It is often stressed that the existence of a minority is a question of fact and that any definition must include both objective factors (such as the existence of a shared ethnicity, language or religion) and subjective factors (including that individuals must identify themselves as members of a minority).”

Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, has defined the term minority 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.”¹

After considering the above definitions, the term minority can be said to refer to national or ethnic, religious and linguistic minorities, pursuant to the United Nations 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.

II. Scope Of Minority Rights

In 2005, the High Commissioner for Human Rights appointed an Independent Expert on Minority Issues, who has identified four broad areas of concern in relation to minority protection:

- a. protecting the existence of a minority;
- b. protecting the right of minorities to enjoy their cultural identities and reject forced assimilation;
- c. ensuring effective nondiscrimination and equality; and

¹ E/CN.4/Sub.2/384/Rev.1, para. 568

- d. Ensuring effective participation of members of minorities in public life.³¹ She also has called for increased attention to minority communities in the context of poverty reduction strategies and in the promotion of political and social stability.²

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III. Physical Protection

The 2001 Durban Declaration while laying down the scope of protection of minority rights, affirms that, “the ethnic, cultural, linguistic and religious identity of minorities, where they exist, must be protected and that persons belonging to such minorities should be treated equally and enjoy their human rights and fundamental freedoms without discrimination of any kind”⁴.

The physical integrity of persons belonging to minority groups is at greatest risk during conflicts. As former United Nations Secretary- General Kofi Annan remarked at the Stockholm International Forum in January 2004: “We must protect especially the rights of minorities, since they are genocide’s most frequent targets.”⁵

IV. Equality And Non-Discrimination

The right against discrimination is paramount in protection of minorities around the world. Non-discrimination and equality before the law are two of the basic principles of international human rights law. The principle of nondiscrimination prohibits any distinction, exclusion, restriction or preference which has 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.⁶

The International Convention on the Elimination of All Forms of Racial Discrimination permits the implementation of special measures “for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms.”⁷

The Convention on the Elimination of All Forms of Discrimination against Women allows for “temporary special measures” which accelerate de facto equality between men and women.⁸ The Human Rights Committee of the UN, held that, States parties are sometimes required to, “take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant and such action may involve granting for a time to the part of the population concerned certain preferential treatment in specific matters as compared with the rest of the population as long as such action is needed to correct discrimination in fact.”⁹

The Committee on the Elimination of Racial Discrimination in its general recommendation No. 32 (2009), provided further guidance on the scope of the principle of non-discrimination under article 1 (1) of the Convention¹⁰ and, more importantly, the meaning of “special measures”. The Committee specified that “the list of human rights to which the principle applies under the Convention is not closed and extends to any field of human rights regulated by the public authorities in the State party to address racial discrimination ‘by any persons, group or organization’.”¹¹

The European Court’s case law on the equality guarantee in Article 14¹² enables it to determine whether minority protection is necessary in a manner that is sensitive to the particular circumstances of minority communities. In *Thlimmenos v. Greece*,¹³ the Court, for the first time, expressly held that nondiscrimination in certain circumstances requires the differential treatment of “persons who are significantly different.” Greece was held to have discriminated against Thlimmenos, a Jehovah’s Witness who had been convicted of insubordination for refusing to enlist in the military for religious reasons, by failing to introduce appropriate exceptions to the rule barring persons convicted of a serious crime from the profession of chartered accountants. *Thlimmenos* effectively introduces the concept of indirect discrimination to Convention equality jurisprudence by treating a rule that is neutral on its face but which has a disparate impact on a religious minority as a

² UN Doc. E/CN.4/2006/74.

³ UN Doc. A/HRC/4/9.

⁴ Para. 66.

⁵ United Nations press release SG/SM/9126/Rev.1, 11 February 2004.

⁶ For details see, International Convention on the Elimination of All Forms of Racial Discrimination, Art. 1 (1).

⁷ Art. 1, Para. 4. See also art. 2, Para. 2.

⁸ For details see, Art. 4, Para. 1.

⁹ The Human Rights Committee, general comment No. 18 (1989) on non-discrimination

¹⁰ Supra note 4.

¹¹ See also art. 2 (1) (d) and (b).

¹² The European Convention on Human Rights

¹³ *Thlimmenos v. Greece*, (Application No. 34369/97) (2000) 31 E.H.R.R. 411, Para. 44.

violation of equality. It suggests that the equality guarantee in Article 14 of the European Convention, in certain circumstances, imposes positive obligations on states to treat some members of society, in this case, members of a religious minority, differently than others.

V. Effective And Meaningful Participation In Public Affairs

The participation in public affairs and in all aspects of the political, economic, social and cultural life of the country by the persons belonging to minorities is essential to preserve their identity and combating their social exclusion.

Article 2 (2) of the United Nations Minorities Declaration, provides for the right of persons belonging to national or ethnic, religious and linguistic minorities “to participate effectively in cultural, religious, social, economic and public life”. For the participation of persons belonging to minorities to be effective, it is not sufficient for States to ensure their formal participation; States must also ensure that the participation of representatives of minorities has a substantial influence on the decisions which are taken, so that there is, as far as possible, shared ownership of these decisions.¹⁴

VI. Promotion And Protection Of The Identity

Promoting and protecting the identity of minorities prevent forced assimilation and the loss of cultures, religions and languages—the basis of the richness of the world and therefore part of its heritage. The meaning of term minority as enshrined in The United Nations Minorities Declaration, 1992, also includes Protection, by States, of their existence and their national or ethnic, cultural, religious and linguistic identity.¹⁵

VII. International Statutes On Minority Rights:

1. The European Convention on Human Rights

The European Convention on Human Rights, perhaps the most significant regional human rights instrument in Europe, does not expressly enshrine minority rights. Its text is thoroughly individualistic in nature, and devoted overwhelmingly to the protection of civil and political rights.

The Convention was drafted in light of wartime atrocities primarily as an instrument that would safeguard interests associated with civil and political rights from the raw exercise of collective political power. The sole express exception to its focus on civil and political rights lies in its equality guarantee, which refers to minority membership, but the Convention enshrines only the right of an individual not to be discriminated as a member of a minority defined by language, religion or national origin.¹⁶

Numerous decisions of the European Court of Human Rights – the primary judicial body responsible for interpreting the European Convention – open this jurisprudential door, suggesting that certain civil and political rights protect interests associated with minority status. Such interests merit protection because of their universal value but only in circumstances where they will not lead to political instability and conflict in the region.¹⁷

For example, in *Serif v. Greece*,¹⁸ at issue was the conviction of a Muslim religious leader for officially representing a Muslim community in Greece without being designated as such by the Greek state. The European Court held the conviction to be an interference with the applicant’s freedom of religion. It noted that divisions within religious communities creates “tensions,” but it held that “the role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other.”¹⁹ It noted further that Greece had not adduced any evidence to suggest that such tension had led to “disturbances” within the Muslim population, and that the risk of such tension beyond the Muslim population to affect relations between the Muslim and Greek populations, or between Greece and Turkey, was nothing more than “a remote possibility.

¹⁴ See A/HRC/13/23, Para. 52, in which the independent expert on minority issues refers to: Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and public affairs (ACFC/31DOC(2008)001, Para. 18 and 19).

¹⁵ See Art. 1

¹⁶ See, Art. 14.

¹⁷ *Serif v. Greece* (1999), 31 E.H.R.R. 56; *Case of Socialist Party and others v. Turkey*, App. No. 20/1997/804/1007, 27 EUR. H.R. REP. 51 (1998); *Thlimmenos v. Greece* (Application No. 34369/97) (2000) 31 E.H.R.R. 411, *Belgian Linguistic Case* (1967 and 1968) 1 E.H.R.R. 241 and 252; *G. and E. v. Norway* (Application nos. 9278/81 and 9415/81) DR 35, 1985 at 30 EComm HR ; *S. v. Sweden* (Application no. 16226/90) Report of 2 September 1991 EComm HR; *Sürek v. Turkey* (No.1)(1999) (Application no. 26682/95); *Könkämä and 38 other Saami Villages v. Sweden* (1996) (Application no. 27033/95); *Buckley v. United Kingdom* (1996) 23 E.H.R.R. 101; *Hasan and Chaush v. Bulgaria* (2000) (Application no. 30985/96). For a details see, Fernand de Varennes, *Using the European Court of Human Rights to Protect the Rights of Minorities, in Mechanisms For The Implementation Of Minority Rights* 83-108 (M. Weller & A. Morawa eds., Council of Europe Publishing, 2004).

¹⁸ (1999), 31 E.H.R.R. 56.

¹⁹ *Ibid*, at Para 53

2. International Covenant on Civil and Political Rights, 1966

Organization: United Nations

Nature: Legally binding

Article 27 of the Covenant deals with minority rights.

Art. 27 - 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.

It frames minority rights in primarily individualistic terms. This is in keeping with the Covenant's stated purpose, which is to entrench a rich panoply of civil and political rights in "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family."²⁰

The rights enshrined in Article 27 are not only framed in individualistic terms. The interests they aspire to protect can be comprehended in universal terms, as features of existence that are essential to what it means to be a human being. The capacity to participate in one's culture, to hold and exercise spiritual beliefs, and to speak to others in a common language plausibly possess universal value. That is, cultural, religious and linguistic affiliations help to shape who we are. They constitute important features of what it means to be human.²¹

3. The International Covenant on Economic, Social and Cultural Rights

mentions explicitly in article 2 (2) that "the States Parties to the present Covenant undertake to guarantee that 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." The Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health states that,²² 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, for instance 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, to preventive, curative and palliative health services".

Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, 1992

Organization: United Nations

Nature: Legally binding (adopted by the UN General Assembly in 1992)

Art. 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.

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights, this declaration further develops and elaborates on the rights of minorities. Like Article 27 of the International Covenant, the Declaration casts these rights in individualistic terms, vesting in "persons belonging to minorities." In addition, the interests that the 1992 Declaration seeks to protect – cultural, religious and linguistic affiliation, political participation, and freedom of association – are the same as those underlying Article 27. Universal in significance, they are constituent features of human identity shared by members of majorities and minorities alike.²³

However, what the 1992 Declaration requires in terms of positive measures is far from clear. It calls on states to "protect the existence and the national or ethnic, cultural, religious and linguistic identities of minorities"²⁴ but requires states simply to "adopt appropriate legislative and other measures to achieve those ends."²⁵

Similar ambiguities plague Article 27 of the Covenant. On the one hand, its drafters, and states party to its terms, assumed that it obligates states to allow minority members to engage in religious, cultural and linguistic

²⁰ International Covenant on Civil and Political Rights (1966) 999 U.N.T.S. 171 in force 1976, first preambular paragraph.

²¹ See for example Will Kymlicka, *Multicultural Citizenship: A Liberal Theory Of Minority Rights* (Oxford Univ. Press, 1995) and Charles Taylor, *The Politics of Recognition*, in *Multiculturalism: Examining The Politics Of Recognition* 25-73 (A. Gutman ed., Princeton Univ. Press, 1994).

²² General comment No. 14 (2000), The Committee on Economic, Social and Cultural Rights on the right to the highest attainable standard of health states.

²³ Other UN instruments that extend minority rights protection include the 1951 Convention on the Prevention and Punishment of the Crime of Genocide, 78 U.N.T.S. 277; the 1960 UNESCO Convention Against Discrimination in Education, 429 U.N.T.S. 93; and the 1989 Convention on the Rights of the Child 1577 U.N.T.S. 43. See also the 1993 Vienna Declaration and Programme of Action A/CONF.157/23 (12 July 1993).

²⁴ Article 4(1).

²⁵ Article 4(2).

practices but does not require states to adopt positive measures to facilitate such practices.²⁶ He also argued that, argued that the implementation of Article 27 “calls for active and sustained intervention by states.”²⁷

Ivan Kitok v. Sweden,²⁸

Under Swedish law an ethnic Sami was denied rights to herd reindeer. Kitok was a Sami living in Sami territory, and had a herd of reindeer but he was not a Sami village member. Under Swedish law, a Sami village member possesses rights to hunt and fish on a large part of the territory. It also authorizes members’ reindeer herds to graze on public and private lands. The purpose of the restrictions is to ensure the future of reindeer breeding and the livelihood of those engaged in it. The village allowed, not as of right, Kitok to hunt and fish, and to be present when calves are marked and herds rounded up and reassigned to owners, to safeguard his interests.

The UN Human Rights Committee held that “reindeer husbandry is so closely connected to the Sami culture that it must be considered part of the Sami culture itself,” and where economic activity is “an essential element in the culture of an ethnic community” it falls under the protection of the Covenant.²⁹ In *Hopu and Bessert v. France*,³⁰

The Human Rights Committee heard a complaint by indigenous Polynesians who claimed to be the lawful owners of land in Tahiti where the French Polynesian authorities were constructing a resort. The resort was being built on an indigenous historical burial ground and around a lagoon that was still used by 30 indigenous families for subsistence fishing. The Covenant does not enshrine a right to property, and Article 27 (ICCPR) was not available because France had made a reservation against its application. Instead, at issue were Articles 17 and 23, which enshrine, respectively, rights to privacy and to a family life.

With respect to the right to a family life, the state argued that the authors could not prove that their families were buried there, that they had ancestral links to those buried in the site. The skeletons predate the arrival of Europeans on the island. The Committee ruled that the term family “is to be given a broad interpretation so as to include all those comprising the family as understood in the society in question. It follows that cultural traditions should be taken into account when defining the term ‘family’ in a specific situation.”³¹ It also noted that “the relationship to their ancestors [is] an essential element of their identity” and plays “an important role in their family life.”³² It concluded that the state was in violation of rights to privacy and a family life guaranteed by the Covenant.

VIII. The Convention On The Rights Of The Child

Article 30 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 practice his or her own religion, or to use his or her own language”.

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 Law³³, 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 to include the right to have one’s status as indigenous person or person belonging to a minority restored, in particular where this is provided for under national legislation and if such status is lost as a consequence of displacement.

IX. The Convention On The Prevention And Punishment Of The Crime Of Genocide³⁴

The convention is a legal source referred to in the United Nations Minorities Declaration for protecting

²⁶ See, report by UN Special Rapporteur Francesco Capotorti on *the rights of persons belonging to Ethnic, Religious and Linguistic Minorities*, 1979 para. 211-212.

²⁷ *Ibid*, para. 217.

²⁸ (Communication 197/1985), *Official Records of the Human Rights Committee* 1987/88, vol. II, p. 442 (U.N. Doc. A/43/40 (1988)).

²⁹ *Id.* Para. 9.2.

³⁰ Francis Hopu and Tepoaitu Bessert v. France (Communication no. 549/193) views of the Human Right Committee, 29 July 1997, UN doc. CCPR/C/60/D/549/1993), at 217-222.

³¹ *Id.* Para. 10.3.

³² *Id.* Para. 10.3. For commentary, see Martin Scheinin, *The Right to Enjoy a Distinct Culture: Indigenous and Competing Uses of Land*, in *The Jurisprudence of Human Rights Law: a Comparative Interpretive Approach* 159-222 (Theodore S. Orlin, Allan Rosas, and Martin Scheinin, eds., Institute for Human Rights Abo Akademi Univ., 2000).

³³ General Assembly resolution 60/147 of 16 December 2005.

³⁴ General Assembly resolution 260 A (III) of 9 December 1948)

the rights of minorities.

Article II of 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:

- Killing members of the group;
- 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.”

X. Framework Convention For The Protection Of National Minorities, 1995

Organization: Council of Europe

Nature: Legally binding

The convention provides the extensive and elaborate protection to national minorities.

Art. 4(1) - The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

Art. 4(2) -The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities

The Framework Convention provides a rich description of its ideological origins, noting that “the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace,” and that toleration and dialogue are necessary to enable “cultural diversity” to be a source of “enrichment” as opposed to “division.”³⁵

Like the ICCPR and the UN Declaration, the Framework Convention refers to the rights of persons belonging to national minorities, suggesting an emphasis on individual as opposed to collective interests. The Framework Convention also narrows the scope of protection to national minorities in contrast to the 1992 UN Declaration, which also provides protection to ethnic, religious and linguistic minorities.³⁶ This is a significant departure by the framework convention from the recommendations of the Council of Europe’s Parliamentary Assembly in 1990, which proposed the entrenchment of rights of national minorities to be recognized as such, by the states in which they are located, to maintain their own cultural, educational and religious institutions, and to participate in decisions about matters that affected their identities.³⁷

XI. European Charter For Regional Or Minority Languages, 1992³⁸

Organization: Council of Europe

Nature: Legally binding

The 1992 Charter seeks to protect regional and minority languages, and not linguistic minorities. It does not enshrine any individual or collective rights for the speakers of these languages.

XII. Copenhagen Document, 1990

Organization: Organization for Security and Co-operation in Europe (OSCE)

The Copenhagen Document was formulated in a very interesting time: 1990, when the communist regimes of Central and Eastern Europe were fast dissolving. Copenhagen went much further than existing documents in providing an entire catalogue of minority rights and committing participating States to protect the rights of ethnic, cultural, linguistic and religious minorities living on their territory.

XIII. Charter Of Fundamental Rights, 2000

Organization: European Union

Nature: Legally binding

The Charter of Fundamental Rights of the European Union is now the principal EU human rights document. It became part of core EU legislation with the entry into force of the Lisbon Treaty on 1 December 2009. Art. 21 of Charter deals with minority rights as follows;

³⁵ The preamble, Framework Convention for the Protection of National Minorities, 1995

³⁶ See, R. Hoffman, *Protecting the Rights of National Minorities in Europe*, 44 GER. YRBK. INT’L L. 237 (2001).

³⁷ Council of Europe, Parliamentary Assembly Recommendation 1134, On the Rights of Minorities (1990).

³⁸ Available at, <http://conventions.coe.int/Treaty/en/Treaties/Html/148.htm>, accessed on, 10th Feb. 2014

Art. 21(1): Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Where the first five documents mentioned above speaks of collective rights for minority groups/communities, whereas, the EU Charter generally speaks of *individual* rights.

XIV. International Labour Organization (ILO) And Minority Rights

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 or social origin.³⁹

The 1998 **ILO Declaration on Fundamental Principles and Rights at Work** provides that all members of the Organization have an obligation to respect, promote and 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 the treatment of minorities are monitored under this Declaration.

The application of ILO conventions is subject to supervision by the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards. In their periodic reports on the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), States are required to specify the action they have 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.⁴⁰

The **1998 Declaration on Fundamental Principles and Rights at Work** provides for the submission of annual reports by ILO members, as well as the publication, by the Director-General, of a yearly global report on the fundamental principles and rights covered by the Declaration. The 2003 and 2007 global reports focused on eliminating discrimination at work, both considered minority issues.⁴¹

XV. The UNESCO And Mechanism For Protection Of Minority Rights

The 2003 **UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage** provides safeguards and promotes the practices, representations, expressions, knowledge, skills—as well as the associated instruments, objects, arte facts 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 to 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 States to endeavor to create environments conducive thereto.

The Committee on Conventions and Recommendations of the Executive Board examines confidential (group and individual) complaints regarding alleged human rights violations within the fields of competence of UNESCO (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 29 members and meets twice a year. It tries to resolve the reported problems in a spirit of cooperation, dialogue and mutual understanding rather than acting as a tribunal. In urgent cases, the

³⁹ See Arts. 1 and 2

⁴⁰ The comments and conclusions of the supervisory bodies are available from the International Labour Standards website of the International Labour Organization: www.ilo.org/public/english/standards/norm (accessed 24th Jan. 2013).

⁴¹ The global reports and further information on the Declaration follow-up are available on, www.ilo.org/declaration, accessed on 25th Jan 2014

Director-General may personally make humanitarian representations on behalf of alleged victims of human rights violations in UNESCO fields of competence.

XVI. Conclusion

From the above analysis it can be said that, International statutes recognizing and protecting various rights of minorities is broad enough to secure rights of minorities around the world. These rights are specifically important for the protection, development and upliftment of the minorities. The present international statutory framework for protection of the minorities, though an adequate one for effective protection of minorities, will have no effect if they are not implemented and applied in domestic laws by the concerned nations. The lack of effective implementation mechanism at the international level also adds to the restraints of these international standards. Un may, therefore take a lead in this regard, in framing the mechanism for implementation of these rights, coupled with sanction on state governments failing to observe these rights.