

SUBMITTING
INFORMATION TO
THE UNITED
NATIONS
MECHANISMS AND
PROCEDURES

THE
PROTECTION
OF MINORITY
RIGHTS AND
DIVERSITY

A TOOLKIT

By

The International Centre
for Ethnic Studies

SUBMITTING INFORMATION TO THE UNITED NATIONS
MECHANISMS AND PROCEDURES

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For the

PROTECTION OF MINORITY RIGHTS AND DIVERSITY

By

**THE INTERNATIONAL CENTRE FOR ETHNIC STUDIES
COLOMBO**

Published By:

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First published – November 2001

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This Toolkit is available in English, Sinhala and Tamil

ISBN : 955-580-062-6

Printed and bound in Sri Lanka by Gunaratne Offset Limited

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FOREWORD

This Toolkit developed by the International Centre for Ethnic Studies on minority rights and diversity is a very welcome initiative, especially at a time when our societies have become more fragile, and incitement to ethnic and racial hatred, resulting in widespread discrimination against particular groups, has intensified in the wake of current events. Furthermore, mutual tolerance and understanding among different groups in society has now been recognized by the international community as crucial in ensuring the equality and dignity of all persons – a small but definite contribution to peace and stability within and among States.

I am convinced that this practical guide for minorities, policy-makers and advocates, and field staff of local, regional and international organizations, will prove invaluable in pointing to ways by which issues concerning minority rights and diversity can be addressed through the United Nations mechanisms and procedures. These have, over the past two decades, become far better equipped to bring human rights closer to the reality on the ground and to respond effectively to human rights violations. This guide points to channels available through the United Nations to address human rights concerns, obtain redress and incite Governments to make the necessary changes to remedy the situations identified. More importantly, the toolkit will undoubtedly assist key policy-makers and civil society in translating human rights into practical implementation at the local level, where the need is most urgent and where it really matters.

I would like to congratulate the International Centre for Ethnic Studies for taking this initiative. I sincerely hope that this toolkit will be widely used in national situations and adapted as necessary to local needs and circumstances. It represents yet an additional practical tool for minorities and others to access the United Nations, effectively use the system, channel grievances and bring situations to the attention of the international community. I wish to recommend the wide dissemination of the toolkit in regions across the world, and its practical application by all those individuals, groups, organizations and decision-makers, who wish to lobby for change and make a difference.

Mary Robinson
*United Nations High Commissioner
 For Human Rights*

This *Toolkit* developed by the *International Centre for Ethnic Studies (ICES)* on Minority Rights and Diversity provides guidance to minorities, policy makers, advocates, local, regional and international organizations on International Human Rights instruments. It details United Nations mechanisms and procedures, which could be used to submit information and complaints thereby focusing on avenues available for readers to lobby for change at an International level. It aims at ensuring that grievances are heard, situations are highlighted and violations are redressed.

It was developed within the framework of a project of ICES, titled ‘Minority Protection In South Asia’, funded by NORAD. The project focused on the following: an

examination of experiences, achievements and shortfalls of minority/ majority arrangements in the region for input into the United Nations Working Group on Minorities; linking efforts of civil society and regional governments to promote understanding between ethnic groups that are engaging or could engage in confrontational politics; and establishing some form of advisory services at the regional and local level as a means to advise and assist all sectors of society to enhance minority protection through a diversity of local and regional mechanism. We would welcome universal application and usage of this Toolkit for the protection of minority rights.

Minority Rights Programme Officers
International Centre for Ethnic Studies
November 2001

Introduction

The denial of human rights, in particular minority rights, is at the root of many of today's conflicts. It has therefore become of utmost urgency to focus on early warning mechanisms, the strengthening of national capacities to address human rights concerns and the effective implementation of all human rights.

There exist a number of avenues to address human rights issues. First and foremost these can be resolved at the national level through the courts and other national institutions. In many situations, however, this is difficult, the judicial system may be ineffective and domestic remedies for violations may have been exhausted. In order to bring concerns to the attention of the international community, and thereby to increase the pressure on your Government to make the necessary changes to redress violations, you can turn to the United Nations.

The mechanisms of the United Nations to address violations have greatly improved over the past decades. The treaty bodies, which supervise the implementation of international human rights treaties, have become more effective in receiving and using information from NGOs, and dealing with individual complaints against governments. A whole range of independent experts have been appointed to investigate and report on the human rights situation in specific countries as well as on thematic issues such as religious intolerance, racial discrimination, the rights of minorities, police brutality, summary executions, street children, the killing of women in the name of honour and attacks on human rights defenders. In 1995, the Working Group on Minorities was created as a forum for minorities to discuss concerns, highlight particular situations, and seek ways by which the United Nations Declaration on the rights of persons belonging to minorities could be effectively applied at national level.

Meeting the aspirations of minorities and fostering diversity contributes to participatory development, and to the lessening of tensions both within and among States. This toolkit aims to guide minorities and others in using and accessing the available United Nations mechanisms and procedures.

What is the Toolkit?

This toolkit provides readers guidance on the international human rights instruments available, the United Nations mechanisms which may be used to submit information and complaints regarding individual and collective human rights violations, and contains practical information on fact-finding, how to submit information and use the procedures, participate in meetings and whom to address complaints to. Addressing the United Nations is only one additional tool for minorities and others to strengthen the respect of human rights and institutions which sustain diversity, thereby bringing us one step closer to making our societies a better place to live in harmony and peace.

Key Concepts of the Toolkit

- key international human rights instruments,
- fact-finding and the dissemination of information,
- submitting information to the Working Group on Minorities and the Treaty Bodies,
- submitting complaints.

In each of the sections, some practical information has been included on what you can do to improve the situations you are confronted with. In Annex A you will find some details regarding the rights contained in the Declaration on the rights of persons belonging to minorities in the form of key elements and notes. Annex B provides an overview of the rights contained in other international human rights instruments, and Annex C contains a brief description of how rights are monitored by the human rights treaty bodies.

Target Groups

1. Policy-makers and advocates: Governments, national and local authorities, the military and security personnel, agencies, international, regional and local non-governmental organizations
2. The field staff of international organizations, agencies and local organizations
3. Minorities
4. The general public

Acknowledgments

The toolkit is largely a compilation from the following reports, documents, books and websites:

- A compilation of International Instruments, United Nations, New York and Geneva
- Minority Rights: United Nations Fact-sheet No. 18 (rev.1)
- Minority Rights Group International: *New Approaches to Minority Protection*, by Ashbjorn Eide
- Alan Phillips and Allan Rosas: *The UN Minority Rights Declaration*, Abo Akademi University Institute for Human Rights and Minority Rights Group International
- *Minority Rights: a Guide to United Nations Procedures and Institutions*, by Gudmundur Alfredsson and Erika Ferrer, Minority Rights Group International and Raoul Wallenberg Institute
- *Guiding Principles on Internal Displacement*, a toolkit for dissemination, advocacy and analysis. Consortium of Humanitarian Agencies, Colombo
- Ravindran, D.J., Guzman, M., and Ignacio, B (Eds) (1994) *Handbook on fact-finding and documentation of human rights violations*. Bangkok, Asian Forum for Human Rights and Development (Forum Asia)
- The United Nations *Guide for Minorities*, Office of the High Commissioner for Human Rights

Websites

- www.unhchr.ch www.cohre.org
- www.ishr.org
- www.defence-for-children.org
- www.antiracism-info.org

The International Centre for Ethnic Studies wishes to express their gratitude to NORAD for their support of this publication. It also wishes to thank Ms Cecilia Thompson, former staff member of the Office of the High Commissioner for Human Rights, Geneva, and former Secretary of the Working Group on Minorities for drafting this toolkit; and the Minority Rights Programme Officers of ICES for co-editing and designing the layout of this publication.

KEY INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

It is important to be familiar with the key international human rights instruments as the rights contained therein are those which can be invoked before the United Nations. In order to effectively use the various mechanisms and procedures, you must know which rights you wish to refer to when submitting information or an individual complaint to the United Nations. This toolkit contains information on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which is applicable to all countries but is not legally binding, and the relevant rights contained in international human rights treaties which are binding on governments which have ratified the respective treaty. This section provides a brief overview of these instruments. The articles contained therein as well as key elements and notes are to be found at Annex A and Annex B of this toolkit.

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

The only United Nations instrument which addresses the special rights of minorities in a separate United Nations document is the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (hereafter referred to as "The Declaration"). The Declaration, while ensuring a balance between the rights of persons belonging to minorities to maintain and develop their own identity and characteristics and the corresponding obligations of States, ultimately safeguards the territorial integrity and political independence of the Nation as a whole. The principles contained in the Declaration apply to persons belonging to minorities, in addition to the universally recognized guarantees in other international human rights instruments.

Key Concepts

- adopted by the General Assembly in 1992
- first international human rights document devoted solely to minority rights
- it is intended for global application and applies in all situations
- it is an international minimum standard which States are expected to exceed
- the Declaration restates many of the existing rights but builds upon and complements minority rights in other international human rights instruments
- it represents an articulation of article 27 on the rights of persons belonging to minorities of the International Covenant on Civil and Political Rights
- it ties minority rights to the development of society as a whole and within a democratic framework based on the rule of law.

The Declaration grants persons belonging to minorities the right to:

- protection of their **existence and identity**
- enjoy their own **culture**, profess and practice their own **religion** and use their own **language**
- participate in **cultural, religious, social, economic and public life**
- establish and maintain their own **associations**
- 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
- exercise their rights **without discrimination**

State Responsibility:

- to create favourable conditions to express their characteristics and to develop their culture, language, religion, traditions and customs;
- to allow them adequate opportunities to learn their mother tongue and have instruction in their mother tongue;
- to encourage knowledge of the history, traditions, language and culture of minorities;
- to allow their participation in economic progress and development;
- to consider the legitimate interests of minorities in developing national policies and programmes;
- to cooperate with other States on questions relating to minorities.

The specialized agencies and other organizations of the United Nations system are to:

- encourage and contribute to the realization of the rights set forth in the Declaration

You will find the text of the Declaration as well as key elements and notes at Annex A.

Human Rights Treaties

There exist six international human rights treaties which deal respectively with civil and political rights; economic, social and cultural rights; racial discrimination; children's rights; women's rights, and torture. To use any of these six treaties which contain also minority-specific rights, your country must be a state party to the particular treaty. Should your country not be a State party, you cannot use the treaty body procedures. The full text of each treaty can be found on the website of the Office of the High Commissioner for Human Rights (www.unhchr.ch) under "Treaties" and a list of countries that have ratified the treaties can be viewed through a link on the text of each treaty.

The most relevant articles of the six treaties and a brief description thereof can be found in Annex B.

What you can do

- Disseminate the international human rights instruments and information relating to them, including in local and minority languages;
- Undertake to translate the Declaration and other relevant instruments into local and minority languages;
- Advocate widely for the implementation of international human rights instruments;
- Monitor and disseminate information on the ways your State implements the instruments;
- Promote, participate in, and support inter-agency coordination on issues related to minorities and diversity, and ensure that the human rights instruments are used as a reference document;
- Ensure that national and development programmes take account of the rights contained in international human rights instruments;
- Plan activities and affirmative action programmes to ensure that minorities and other communities are involved in the planning thereof and benefit from such programmes on a basis of equality with other groups in society;
- Ensure that programmes do not intentionally or unintentionally restrict the rights of minorities, and are in conformity with the principles contained in the international human rights instruments;
- Facilitate channels for minorities to seek assistance and obtain redress for violations of the rights in the Declaration and the other relevant human rights instruments;
- Support training on the international instruments for staff of national, regional and international organizations, ombudspersons, security personnel, law-enforcement officials, the military, relevant authorities, partner organizations and others who interact directly with the public;
- Advocate for, and support the establishment of, and access to, recourse and conciliation mechanisms, such as ombudspersons, reconciliation commissions, round tables and committees providing forums for discussion and conciliation of differences, as well as to ensure equality and conditions for minorities to maintain their own identity and characteristics;
- Use the Declaration and the other relevant instruments as a basic framework for activities in the field of minority protection.

NOTES

PART 2

FACT FINDING

Collecting information

This part of the toolkit provides you with some information on the purposes of fact-finding, how you may collect the information, the methods and process of fact-finding and how to disseminate the information. Fact-finding is a crucial task when you want to submit clear, concise and reliable information to the United Nations system. The more concise and useful the information, the greater the likelihood that it will have an impact and may incite your Government to make some necessary changes to remedy the situation.

The purpose of fact-finding is:

- to determine the truth as accurately and completely as possible regarding alleged violations for the purposes of monitoring human rights practices of governments;
- to verify the facts first-hand and to make credible reports on alleged violations

Some of the purposes of which fact-finding in the area of minority rights may be conducted include the following:

- to provide immediate assistance to minorities whose rights have been violated
- to educate and mobilize
- to monitor and assess the realization of the principles in the Declaration and the implementation of rights contained in international human rights treaties
- for litigation
- to undertake legislative advocacy and policy formation on minority protection
- to make submissions to inter-governmental agencies

Once a violation has been identified, the next step is to conduct an investigation in order to collect and document the 'evidence'. This is done by carrying out fact-finding activities and carefully recording the findings.

Some guiding principles for human rights fact-finders

- **Impartiality and accuracy**
Fact-finding must be thorough, accurate and impartial. Ensure the credibility of information collected and disseminated by seeking direct evidence and higher level evidence. Assess the truth and reliability of the evidence gathered.
- **Using diverse sources of information**
Locate and use as many sources of information as possible. Examine both the victim's (individual and communities) and the violators' versions of the events. Collect and evaluate all available evidence. This should include records; papers and studies produced by academic or research institutions; reports by, or interviews with, NGOs and individuals.
- **Application of international human rights standards**
Apply the Declaration and other relevant international human rights standards, as well as constitutional rights guarantees to help identify and define what information to collect and to assess the information gathered.
- **Respect for all parties involved**
All efforts should be carried out within an atmosphere of utmost respect for all those concerned and particular respect for the victims and their families. Minority issues are often very sensitive and care should be taken in this regard.

Common methods of conducting fact-finding are:

- Conducting investigation in the field for a limited period of time by skilled fact-finders including staff members of an organization;
- Placing trained field workers in an area for a longer period of time to collect and document information on violations;
- Sending a low-profile fact-finding delegation (mission) consisting of people from the local area;
- Sending a high-level delegation of well-known personalities in the country;
- Sending an international delegation (mission) composed mainly of foreign nationals;
- Organizing non-governmental tribunals and commissions of inquiry;
- Conducting research studies, including surveys for the purpose of collecting data on the implementation, by your government, on the relevant rights.

Suggested steps in a fact-finding process

1. Define a precise focus what is prompting you to undertake the fact-finding
2. Which one or more standards will you use?
 - a. Declaration
 - b. International Covenant on Economic, Social and Cultural Rights
 - c. International Covenant on Civil and Political Rights
 - d. International Convention on the Elimination of All Forms of Racial Discrimination
 - e. Convention on the Rights of the Child
 - f. Convention against Torture
 - g. Convention on the Elimination of Discrimination against Women
3. What method of fact-finding do you wish to adopt?
4. What are your sources of information?
 - a. Who is/are the victims?
 - b. Who is/are the alleged violators
 - are the violators governmental or non-governmental?
 - if non-governmental, can the acts of the violators be Directly or indirectly linked to Government action or acquiescence?
 - c. Who are the witnesses?
 - those who saw the event
 - Those who would know the background
5. Who can identify additional sources of information?
6. Identify written and documentary evidence
 - what documentary evidence is available that can help your investigation?
 - is the information reliable?
7. how will you cross-check the information you have gathered?
8. determine the level of proof required:
 - what level of proof is sufficient to arrive at reasonably founded conclusions?
 - What factors may impact on the establishment of the level of proof?

Disseminating the information

What you can do

- *Confirm the facts* to document that the violations have indeed taken place;
- *Report the facts* with as many details as possible, and as accurately and concisely as possible, to relevant agencies or international organizations, non-governmental organizations, or the press, if appropriate;
- *Determine, if necessary in consultation with other interested parties or representatives of organizations, who else to inform*, such as for example, organizations working in the field, donor governments, legal rights groups, community leaders, journalists;
- *Consider joint activities* with other organizations, when possible, to maximize the effectiveness of actions taken to redress violations of the rights of minorities and other communities;
- *Develop options*, including private communications to the offending parties, formal representations to national authorities, public statements of concern, legal aid to minorities and others who are victims of human rights violations;
- *Assess the effects* of each option, including the likelihood of success in reversing the violations, the ability to carry out joint activities to obtain redress, the safety of staff, and other similar considerations;
- *Adopt and implement strategy*, based on the assessment of the advantages and disadvantages of the options identified;
- *Monitor the effectiveness* of activities undertaken and make changes to or adjust initial activities to increase the likelihood of success

NOTES

Part 3

SUBMITTING INFORMATION TO THE WORKING GROUP ON MINORITIES AND THE TREATY BODIES

The Working Group on Minorities

The Working Group on Minorities is the only United Nations mechanism which addresses the promotion and protection of minority rights and has been created to examine ways by which the Declaration on the rights of persons belonging to minorities is applied at national level. The Working Group is composed of five experts who are members of the Sub-Commission, one representing each of the five geographic regions the United Nations uses to apportion seats on UN bodies. The Working Group meets between Sub-Commission sessions for one week each year, normally in May in Geneva. It prepares a formal report that is submitted to and discussed by the Sub-Commission when it meets each August. The report also is made available as a background document for the Commission on Human Rights.

The Mandate of the Working Group

The Working Group was established to examine ways and means to promote and protect the rights of persons belonging to minorities as set out in the Minorities Declaration. The three major tasks of the Working Group are:

- to review the promotion and practical realization of the Minorities Declaration
- to examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments
- to recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities

Participating in the Working Group

A unique feature of the Working Group on Minorities is that it has adopted very flexible arrangements to encourage participation in its sessions by all those interested in and able to contribute to its work. As a result, relevant NGOs, representatives of minority groups, and academics with expertise on minority issues, in addition to governments and international agencies, may participate in person, including providing written submissions, in the Working Group's sessions. The only limits placed on such participation is that participation may be refused if a person or group advocates the use of violence or if an NGO created along ethnic lines has become a political party.

The procedure for applying to participate in a session of the Working Group is as follows:

- 1 Write a brief letter or send an e-mail to the Secretariat of the Working Group with information about your organization, its activities in the field of minority protection, and any further information that you feel may be relevant to the Working Group.
- 2 On the basis of the letter you have sent, you will generally be accredited to attend the Working Group on Minorities (or, in exceptional cases, you will receive an explanation as to why your participation has been rejected). Decisions regarding participation are normally made by the Secretary of the Working Group. In special cases, the request may be referred to the Chairperson of the Working Group, who may consult with any of the Group's members who are familiar with NGOs in the regions they represent.
- 3 On the morning the Working Group begins, you need to visit the Villa des Feuillantines, close to the main entrance of the Palais des Nations. If your name is on the list of participants for the Working Group, you will be issued a pass that will be valid for the session of the Working Group. Having secured a pass, you should then present yourself to the security guards at the United Nations and make your way to the meeting room, normally in the Palais des Nations, E or New Building, for the opening of the session, usually at 10 a.m. on the Monday morning.

There are three main ways of participating in the Working Group: making oral statements during the Group's sessions; providing written information and/or papers; and meeting and talking with others about issues of concern to you.

Oral Statements

If you are able to come to Geneva and participate personally in the Working Group's annual meetings, one of the best ways to bring your issue to the attention of the international community is to make a formal oral presentation during the session. By making such a statement, your concern may be recorded and included in the report of the Working Group, which is then submitted to the Sub-Commission and made available as a background document to the Commission on Human Rights.

To make a statement as effective as possible, you should keep the following suggestions in mind:

- To ask to make a statement, you must request that your name (if you are an academic) or the name of your organization be included on the list of speakers. The Chairperson will then call your organization or your name, on a first-listed, first-called basis. If you are not present, you may lose your turn and not have a chance to make your statement. If you leave the meeting for a short period, try to have someone else there to read your speech in case you are called unexpectedly;
- Prepare your statement well in advance, preferably before the beginning of the session. Make sure that it is clear and logical and that it includes facts to support the points you are trying to make. Although you should not try to make “complaints” to the Working Group, you should illustrate your discussion of specific problems or concerns by using specific examples. However, you should avoid emotional or politically charged language. Your statement should be as relevant as possible to the agenda item under which you have decided to speak, although the items are often general in scope. In every case, it is useful to refer to the rights contained in the Minorities Declaration, since the Declaration remains the major reference of the Working Group's agenda. It is also advisable to include specific suggestions or recommendations for further action by the Working Group;
- You must deliver your statement in one of the six official languages of the United Nations, i.e., Arabic, Chinese, English, French, Russian, or Spanish. Remember that many of the people in the room will not speak your language fluently and will therefore rely on the interpreters to know what you are saying. If the interpreters have a text, their task is made easier and your message is conveyed more effectively. You should provide them with six copies of your statement well before you are called on to speak. You also should give two copies of your statement to the Secretariat for the files.
- Although it may seem obvious, you should speak slowly and clearly. Some people become overly excited or emotional while speaking and tend to speak more quickly than normal. This often means that no one can understand them, and the impact of their statement is accordingly diminished. If you hear speakers who appear to be particularly effective in communicating their message, try to copy their techniques.

- The allotted speaking time is usually five minutes, although it may vary according to the number of items to be discussed during the session and the time remaining. Practice your statement beforehand and make sure you can read it in the time allowed. If you exceed that time, the Chairperson is likely to interrupt you and ask you to conclude. Make sure that you convey the most important points of your statement first, and be prepared to Offer conclusions and recommendations that can stand on their own if you run out of time.
- When you finish speaking, people may come over to your seat and ask you for a copy of your statement. It is a good idea to have 20 or more copies ready to distribute, if possible. Generally, it is helpful to give the government representative from your country a copy. Many people respond better to materials in writing, and this may also ensure that your message will be communicated to those who might not have been in the room when you spoke.

Providing Information and Background Papers

The work undertaken by the Working Group is not limited to reacting to statements delivered during its annual sessions. There are a number of ways you can provide additional information. At each session, short papers prepared by members of the Working Group, NGOs, academics, governments, and specialized agencies provide a basis for discussion during the session. These papers are usually thematic in nature, as opposed to considering a specific country. In the past, they have dealt with such subjects as the definition and classification of minorities, education rights, best practices in the area of minority protection, citizenship and the minority rights of non-citizens, universal and regional mechanisms for minority protection, effective participation and representation of minorities, and language rights.

NGOs and others are encouraged to prepare papers for future sessions of the Working Group. You should contact the Secretariat if you are willing to submit a paper, indicating the subject on which you wish to write. You should consult the agenda of the next session to ensure that your paper will be discussed. The Secretariat will inform you of deadlines, the length of the document (usually limited to six to eight pages), and other technical matters. There is no guarantee that your work will be accepted by the Working Group and distributed, but a well-written paper on a relevant topic will almost always be welcome.

Contacts and Networking

The sessions of the Working Group provide an opportunity to meet with a wide range of people who are members of minority groups themselves or who are involved in minority issues. Given that many international, specialized, and humanitarian agencies are based in Geneva, it is also relatively easy to make appointments with officials of these agencies during your stay. Of course, it is best to meet such officials when you have specific questions to pose or information to provide, although many agencies consider it part of their job to maintain contacts with minority organizations.

The Role of NGOs between Sessions

NGOs have an important role to play once the session of the Working Group is over. By referring to the studies, conclusions, and recommendations of the Working Group, you may bolster your own case and bring additional pressure to bear on the authorities in your or another country. You also can contribute to developing norms and interpretations of difficult issues in a way that will be favourable to minority demands.

Follow-up to the sessions of the Working Group

What you can do

- encouraging the adoption of specific measures at the local and national levels to implement the rights contained in the Minorities Declaration;
- contributing to implementing the conclusions and recommendations adopted by the Working Group;
- drawing the attention of government authorities, NGOs, and minority groups in your country to the work and recommendations of the Working Group;
- organizing workshops or seminars to discuss particular issues of concern;
- organizing training sessions to raise greater awareness of the rights contained in the Declaration and on the ways of submitting information to the Working Group

Further Information and Contacts

All communications regarding participating in the Working Group or other matters should be addressed to:

Secretariat of the Working Group on Minorities
Office of the High Commissioner for Human Rights
8-14 avenue de la Paix
1211 Geneva
Switzerland
e-mail: wgminorities.hchr@unog.ch
web site: www.unhchr.ch

The Treaty Bodies

In order to implement the rights of persons belonging to minorities as enunciated in the International human rights instruments, 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 their provisions. (For information on how Committees monitor the compliance by States of their obligations, see Annex C of this toolkit).

It is very useful for NGOs to provide information to the Committees as they do not rely only on the information submitted by the State party, because this may be incomplete or misleading. The Committees therefore seek information to complete the information presented in the State party report, and NGOs therefore have an important role to play in this respect.

There are a number of reasons why it may be useful for NGOs to submit information:

- It provides a means for NGOs to raise issues at international level and channel their grievances;
- It provides the Committee with an alternative view of the government report;
- It helps the Committee obtain a clear picture of whether the report accurately reflects the situation of minority rights in the country;
- It provides the Committee with expert advice on particular aspects on the implementation of the rights contained in the treaty in question;
- It assists the Committee in formulating constructive and focused follow-up questions;
- It assists the Committee in setting priorities and identifying key issues.

What you can do

*** Contribute to the Government report**

A Government department or agency or several of them are jointly responsible for preparing the country's report for submission to the relevant treaty body. It is important to find out who is responsible for preparing these reports and when they are being prepared. The Ministry for Foreign Affairs often coordinates the preparation of a country's report and should be able to provide this information. You should thus request a copy of the report from your Government. If, however, for whatever reason your Government does not provide you with the report, you may request it from the Office of the High Commissioner for Human Rights, as it becomes a public United Nations document after it has been submitted to the Committee. Although there is no formal requirement that States discuss their reports with their own citizens or NGOs, many governments do allow or even encourage such participation and minority individuals and organizations should take advantage of that by contributing to the Government report.

*** Submit an alternative or shadow report**

For the transmission of written information to the treaty bodies, an alternative or shadow report submitted in reply to, or after, the Government submits its report, may prove the most effective. An alternative report should directly address specific articles of the relevant treaty and observations set forth in the government's report. The alternative report should:

- include a section by section analysis of the State Party report, thereby allowing the Committee to easily compare the government report with the NGO information;
- be concise, factually accurate and free of political comment;
- point to relevant legislation and statistics to support or contradict the information provided by the Government in its report;
- highlight areas where the Government's implementation of the rights in practice is weak;
- make specific recommendations as to what can be done to improve the situation of minorities and other communities in your country. Of particular relevance may be recommendations as to the need to modify or introduce national legislation and concrete information on ways by which minority rights could be effectively implemented.

*** Submit additional information**

You may wish to submit information that complements or supplements that contained in the State party report, particularly where the Government either lacks information or where the Government information is inaccurate or misleading. Such information may focus on the concerns of a specific minority or a thematic issue such as violations of the prohibition of discrimination, equality before the law, linguistic rights, religious freedom or the right to enjoy your own culture.

How can you participate in the sessions of the committees?

Formal sessions

NGOs can attend the meetings of the Committees during the public discussion with State representatives on the basis of the State party report, but cannot formally participate in the deliberations. The rules covering the participation of NGO representatives vary from committee to committee. Only governments, relevant specialized agencies and other international bodies may speak at these sessions, but they are open to the public. Despite the fact that you cannot make statements during these sessions, it is possible to influence the questions the Committee members put to your government as the proceedings unfold, and to lobby Committee members on issues which are of particular concern to you.

Pre-sessional working groups

A number of committees have pre-sessional working groups (such as the Committee on Economic, Social and Cultural Rights, the Committee on the elimination of all forms of discrimination against women, and the Committee on the rights of the child) whose role it is to identify, in advance of the regular session, the main questions and issues to be discussed with States Parties who will appear before the Committee during the next session. The working group of the relevant Committee usually meets at least six months prior to the actual consideration of a State party report, during a five-day period directly following a regular session of the respective Committee. NGOs can provide written or oral information to the working group as long as it "relates to matters on the agenda of the working group". More specifically, the Committee on the Rights of the Child may invite one or more NGOs from each country with particular expertise on a country or situation. An informal "NGO Group for the Convention on the Rights of the Child" helps to coordinate NGO participation in the sessions of the Committee on the Rights of the Child, and has prepared a useful guide for participants, which is available on its web site www.defence-for-children.org.

NGO hearings before the Committees

On the first afternoon of each formal session, some Committees, such as the Committee on Economic, Social and Cultural Rights hold NGO hearings, during which NGO representatives are allowed to make presentations on issues of concern related to the report of the State party. It is important to remember that you will have to get official approval from the Committee Secretariat before actually speaking to the Committee by contacting the Office of the High Commissioner for Human Rights in Geneva or in the case of the Committee on the Elimination of All Forms of Discrimination against Women, the Division for the Advancement of Women in New York. If you make an oral presentation, this should be no longer than 15 minutes, and you will be expected to provide a written version of your speech to the Committee. For more information, the Committee on Economic, Social and Cultural Rights has adopted a paper on NGO participation (document E/C.12/2000/6) which outlines how NGOs can best contribute to the Committee's work, and a guide on how NGOs can use this Committee is available electronically at the following website: www.cohre.org.

Days of General Discussion or theme days

A number of Committees organize, once a year, a day of general discussion on a thematic issue. These theme days are intended to focus the attention of the international community on a specific aspect of the relevant treaty and to share strategies on programmes and policies required to improve the situation. They may prove extremely useful to the Committees, as the recommendations adopted at the conclusion of the theme day are often referred to by the Committee members in their concluding observations on future State party reports. The discussions are held in public and NGOs also have the possibility of presenting information orally.

Follow-up on the work of the Treaty Bodies

None of the work of the treaty bodies means much if the knowledge is not disseminated at country level and remains in Geneva or New York. You should consider follow-up action in your country as soon as possible after the conclusions and recommendations of the Committee are issued, at the end of each session. You can obtain a copy of a committee's conclusions in person, via the website of the Office of the High Commissioner for Human Rights: www.unhchr.ch, or through human rights NGOs based in Geneva or New York. You should also be able to obtain the Committee's conclusions from your government, although there are often delays in producing these records. You can also become involved in seeking ways to implement the recommendations and concluding observations of the committee.

What you can do

- You can use the concluding observations of the treaty bodies to raise awareness at national level or organize workshops to discuss implementation on particular issues in greater detail;
- Exert pressure on your government to follow-up on the recommendations of the Committee and to lobby for changes in legislation and practice;
- Incite the local mass media to become involved in reporting and disseminating the concluding observations and the comments of the Committee in the press;
- Encourage networks of NGOs and other interested parties in becoming involved in the implementation of the recommendations and concluding observations and stimulate discussions at national level;
- Continue local monitoring so that information on whether the State party concerned is following-up on the recommendations and observations of the treaty bodies is made available and brought to the attention of the Committee for the purpose of continuous scrutiny.

NOTES

Part 4

SUBMITTING COMPLAINTS

The United Nations has set up procedures by which individuals, groups and NGOs can submit complaints either on the basis that one or more individual rights contained in the international human rights instruments have been violated, or to expose a situation which may reveal a consistent pattern of gross violations. There exist a number of mechanisms for submitting complaints of human rights violations to the United Nations.

The three broad categories for submitting complaints:

- 1 Violations of individual rights under a particular treaty;
- 2 The “1503” procedure concerning complaints reflecting a consistent pattern of gross violations of human rights;
- 3 Complaints of allegations of human rights violations to be submitted to United Nations experts, and the working groups of the Commission on Human Rights on arbitrary detention, and enforced or involuntary disappearances.

To whom, and how, can you submit complaints alleging human rights violations?

1. To the treaty bodies regarding violations of individual rights

The treaty bodies of the following four treaties deal with such complaints:

- The International Covenant on Civil and Political Rights (ICCPR),
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),
- The Convention against Torture (CAT),
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),

All of the above human rights instruments provide for mechanisms that enable individuals to send a formal complaint, generally called a communication, to the corresponding committee, alleging that one or more rights contained in the respective treaties have been violated. It is important for you to note, however, that complaints mechanisms are optional and a State Party may choose not to permit its citizens or other individuals to complain against it under the treaty procedures. Before using these complaints procedures you should ensure that your country is a party to the respective treaty and that it has recognized the competence to receive and consider such complaints.

In every case, the relevant committee considers a complaint, along with the comments of the government concerned and adopts views or opinions as to whether or not a violation has occurred. A committee may make recommendations to the government and request follow-up information on what actions, if any, the government has taken.

Necessary requirements for consideration when submitting a complaint:

- the complainant must be a victim of a human rights violation;
- the complainant must allege specific violations of rights in accordance with the respective treaties;
- all domestic remedies in the State concerned must have been exhausted;
- the complaint must not be anonymous;
- a complaint cannot be written in abusive or insulting language;
- a complaint cannot be written in language which is politically motivated;
- a complaint should be as reliable and convincing as possible;
- a complaint cannot be considered if the same case is being investigated under another international procedure.

Who can submit a complaint?

In the case of the ICCPR and the CAT, a complaint can be submitted by any private individual who claims to be the victim of a violation of one or more rights of the respective treaty. If the alleged victim is not in a position to submit the complaint him or herself, his or her relatives or representatives may act on his or her behalf. The Human Rights Committee is, however, willing to hear cases submitted by leaders or chiefs who are making the complaint on behalf of a group. Under ICERD as well as under CEDAW, both individuals and groups can file complaints about alleged violations of rights in the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women, respectively.

In addition, the Optional Protocol to CEDAW includes an inquiry procedure which enables the Committee to conduct inquiries into grave or systematic abuse of women's human rights in countries that have ratified the Optional Protocol. It is particularly useful where individual complaints fail to reflect the systemic nature of widespread violations, and allows widespread violations to be investigated where individuals or groups may be unable to make communications.

For information in this regard, check the website of the Office of the High Commissioner for Human Rights www.unhchr.ch and in the case of women's rights, www.un.org/womenwatch/daw/cedaw.

What is the complaint process?

Either before or after a decision on admissibility is made, a complaint may be communicated to the government concerned for its response. If the State replies, a copy of the reply is sent to the complainant, who may then comment on the State's response. The committee sets time limits for the various responses, and the failure of a State to respond does not prevent the committee from proceeding with its examination. If a complaint is found to be admissible, the committee then examines the allegations, the responses, if any, from the State, and any counter-responses from the complainant. The Committee eventually adopts its views and recommendations, which are made public immediately following the session at which they are adopted and sent to the complainant and the government. Most decisions on admissibility even if they are negative are also made public. All the decisions are reproduced in the committee's annual report, which can be found on the website of the Office of the High Commissioner for Human Rights: www.unhchr.ch. The entire process, from filing the complaint until the adoption of the committee's views may take as long as two to three years. In certain serious cases, however, the Human Rights Committee has addressed urgent requests to the States involved, advising the State concerned to take interim measures such as for example against a threatened expulsion, the suspension of a death sentence or the need for an urgent medical examination.

2. The '1503' procedure concerning complaints reflecting a consistent pattern of gross violations of human rights

This procedure enables individuals, groups and NGOs to make complaints to the United Nations about widespread human rights abuses in any country which reveal a "consistent pattern of gross and reliably attested violations of human rights". The most commonly considered violations include for example widespread acts of discrimination, unfair trial, killings and arbitrary detention. Under this procedure, complaints do not have to be submitted by the victims themselves. This procedure has universal applicability, irrespective of whether a State has ratified the human rights treaties or not. The rights that can be invoked are the rights and freedoms considered as common standards for all States, essentially the provisions of the Universal Declaration of Human Rights (for your information, please find the text in the annex to the toolkit). When submitting a complaint under this procedure you should therefore indicate clearly which articles of the Universal Declaration of Human Rights have been violated.

Necessary requirements for consideration when submitting a complaint

- The information must be reliable and submitted in good faith;
- The content of the complaint must be consistent with the UN Charter, the Universal Declaration on Human Rights and other human rights instruments;
- The complaint must not be anonymous, contain abuse or politically-motivated language;
- The complaint should refer clearly to the human rights and minority rights standards which have allegedly been violated;
- The information must reflect clear evidence of a consistent pattern of gross and reliably attested violations of human rights.

What is the complaint process?

The complaints are scrutinized confidentially, in closed meeting, by working groups and in plenary meetings of the Sub-Commission and Commission on Human Rights which may recommend the following actions:

- to keep the situation under review in light of information submitted by the government concerned and any other sources;
- to appoint an independent expert or request the Secretary-General to appoint a special representative for collecting more information from the government and the people and report back to the Commission on Human Rights;
- to decide to discontinue the case when further consideration or action is not warranted
- to discontinue consideration of the case under this procedure and place it under a public procedure.

Despite the fact that the procedure is confidential and that you are not informed of the status of the complaint at any time during the process, the Chairperson of the Commission on Human Rights makes a public statement each year indicating which countries have been considered confidentially and which countries are no longer under consideration.

3. United Nations Experts and the Working Groups of the Commission on Human Rights on arbitrary detention, and on enforced or involuntary disappearances

The Commission on Human Rights has set up a number of 'thematic and country mechanisms' to investigate and report human rights problems and to make recommendations for measures to be taken, including through technical assistance to address these problems. The mandate of these procedures is, among others, to study the phenomenon of the specific violation, and in order to do so, to seek, receive and respond effectively to information received. The thematic or country mechanisms usually consist of either an individual expert or a working group of five members. The individual experts are known as special rapporteurs most commonly, but also as special Representatives of the Secretary-General or of the Commission on Human Rights, as well as Independent Experts, depending on the political negotiations at Commission level when the establishment of the procedure is discussed.

Who can submit information to these procedures?

All United Nations member States, inter-governmental organizations, non-governmental organizations in consultative status with ECOSOC as well as all groups and persons concerned, may submit complaints to these procedures.

What do the United Nations experts and the Working Groups do?

Although the mandate of each of these procedures may vary to a certain degree, they have the following common elements:

- to gather information about a particular theme, or situation in the country they are assigned to;
- to study the phenomenon (such as torture, enforced disappearances, freedom of expression, religious intolerance, arbitrary arrest), including the pattern of human rights abuses, and the obstacles to effective implementation of relevant rights;
- to seek, receive and respond to information received;
- in the event that a complaint requires urgent action, to send an urgent appeal to the government concerned;
- in non-urgent cases, to send the complaint received to the government and to request official comments and clarification from the State concerned;
- submit an annual report to the Commission on Human Rights, and in certain cases to the General Assembly. The report generally contains, on a country by country basis, a summary of the main complaints received (from NGOs and government replies).

How do you submit a complaint to the United Nations experts or the Working Groups?

The complaints should be addressed to the Office of the High Commissioner for Human Rights with a covering letter mentioning the thematic procedure concerned, the name of the expert, the event during which the alleged violation took place, and the type of violation. The complaint can be submitted by fax or by E-mail, and the original should also be sent by letter.

Requirements for consideration when submitting a complaint:

- provide clear and concise information, including all the factual information needed to examine the case (e.g name of victim, nationality, identification, address, place and time of event; whenever possible medical and forensic documentation, name of witnesses, if any);
- refer to international human rights standards, contained in the specific instruments which are relevant to the Special Rapporteurs or Working Groups (for example the Special Rapporteur on violence against women will base her work on the CEDAW, the Special Rapporteur on Freedom of Expression on article 19 on freedom of expression of the ICCPR, and the Special Rapporteur on religious intolerance on the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and article 18 on religious freedom of the ICCPR);
- you may request the Office of the High Commissioner for Human Rights to treat your complaint on a confidential basis for security reasons. If you do not request confidentiality, the entire complaint will be transmitted to the government with the name of the victims and the author of the complaint.

What themes do the United Nations expert and the working groups cover and how can they be contacted?

There exist many experts who deal with issues which relate to minority rights as well as diversity. They are not staff members of the United Nations and are not permanently based in Geneva or New York. It is therefore very important for you to contact their assistants who will be in a position to transmit the information to the expert and who can act as a liaison officer. Herewith the list of the relevant experts, the themes they cover and the contact details of their assistants:

Extrajudicial, summary or arbitrary executions

Ms. Asma Jahangir, Special Rapporteur.

Assistant: Mr. H. Stenman

Tel: (41 22) 917 91 28, Fax: (41 22) 917 90 06

E-mail: hstenman.hchr@unog.ch

Themes covered:

- death attributed to law enforcement officials;
- death due to an omission on the part of the authorities;
- death in custody;
- death threats;
- excessive use of force;
- breach of the obligation to investigate alleged violations on the right to live and to bring perpetrators to justice;
- breach of the obligation to provide adequate compensation to victims and their families;
- honour killings.

Freedom of opinion and expression

Mr. Abid Hussain, Special Rapporteur.

Assistant: Ms. F. Houel.

Tel: (41 22) 917 91 07, Fax: (41 22) 917 90 39

E-mail: fhoul.hchr@unog.ch

Themes covered:

- freedom of opinion and expression;
- freedom of information, restrictions on the media;
- protection of journalists;
- criminal libel and defamation;
- access to information.

Religious intolerance

Mr. Abdelfattah Amor, Special Rapporteur

Assistant: Jacqueline Nzoyihera

E-mail : jnzoyihera.hchr@unog.ch

Themes covered

- implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief;
- the promotion and respect of the rights of religious minorities;
- confidence-building between religious groups and governments;
- guarantee of the right to profess and practice your own religion;
- safeguard of religious institutions.

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Mr. Glele Ahanhanzo, Special Rapporteur

Assistant: Mr. Daniel Atchebro

Tel: (41 22) 917 92 71, Fax: (41 22) 917 90 50

E-mail: datchebro.hchr@unog.ch

Themes covered:

- Equality and non-discrimination;
- institutionalized racism based on doctrines of racial superiority;
- disguised and covert discrimination;
- social, educational and informative measures for combating racism.

Violence against women

Ms. Radhika Coomaraswamy, Special Rapporteur.

Assistant: Ms. C. Saunders.

Tel: (41 22) 917 91 50, Fax: (41 22) 917 90 06

E-mail: csaunders.hchr@unog.ch

Themes covered:

- violence against women in the family, the community, the State;
- trafficking in women and girls;
- promoting change on the status and attitudes with regard to the position of women;
- the focus of women among the victims.

Internally displaced persons

Mr. Francis Deng, Special Representative of the Secretary-General

Assistant: Ms Marlene Alejos

Tel: (41 22) 917 91 60, Fax : (41 22) 917 90 06

E-mail: malejos.hchr@unog.ch

Themes covered:

- internally displaced persons who remain on the territory of their State;
- the application of the principles on internal displacement;
- full respect of the rights of internally displaced persons.

Human rights defenders

Ms. Hina Jilani, Special Representative

Assistant: Ms. Martine Anstett

Tel: (+41 22) 917 91 10, Fax: (+41 22) 917 90 06

E-mail: manstett.hchr@unog.ch

Theme covered:

- report on the situation of human rights defenders in all parts of the world
- seek ways to enhance the protection of human rights defenders in compliance with the United Nations Declaration on human rights defenders.

Torture and inhuman treatment

Sir Nigel Rodley, Special Rapporteur

Assistant: Mr. J.N. Beuze

Tel: (+41 22) 917 9174, Fax: (+41 22) 917 9006

E-mail: jnbeuze.hchr@unog.ch

Themes covered:

- Torture;
- Inhuman and degrading treatment or punishment;
- Police abuse;
- Prison conditions;
- Rape in detention.

Adequate Housing

Miloon Kothari

Tel: (41 22) 917 94 08

Fax: (41-22) 917 90 10

E-Mail : rhada.hchr@unog.ch

Themes covered

- Globalization and the right to adequate housing
- Drinking water as a human right
- Poverty and its impact on housing rights
- Gender discrimination in housing and land right
- Children and housing right
- Forced eviction
- Indigenous and tribal peoples' housing and land rights
- Domestic applicability and justiciability

Enforced or involuntary disappearances

Working Group. Chairperson Mr. Ivan Tosevski

Secretary: Ms. T. Kunanayakam.

Tel: (+41 22) 917 9830, Fax: (+41 22) 917 900

E-mail: tkunanayakam.hchr@unog.ch

Theme covered:

- to clarify the whereabouts of missing individuals.

Arbitrary detention

Working Group. Chairman Mr. Kapil Sibal.

Secretary: Mr. M. de la Lama

Tel: (+41 22) 917 9289, Fax: (+41 22) 917 9006

E-mail: mdelalama.hchr@unog.ch

Themes covered:

- arbitrary detention;
- detention contrary to the international standards contained in the Universal Declaration of Human Rights;
- detention contrary to the international treaties ratified by the State concerned;
- centres of detention.

Regarding all of the above complaints mechanisms complaints should be sent to:

All communications, including those under the “1503” procedure and those submitted to the experts, except for those under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) should be sent to the Office of the High Commissioner for Human Rights at the following address, with, where relevant the name of the UN expert and to the assistant of the expert (as detailed above):

OHCHR-UNOG
Palais des Nations
8-11 ave de la Paix
1211 Geneva 10, Switzerland
Tel: (41 22) 917 91 59
Fax: (41 22) 917 90 16

Communications regarding the Convention on the Elimination of All Forms of Discrimination against Women should be directed in care of UN headquarters in New York at the following address:

UN Division for the Advancement of Women
DC2, 12th floor
2 UN Plaza, New York, NY 10017, USA
Fax: (1 212) 963 34 62
E-mail: daw@un.org

NOTES

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

The 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.**

Key elements of the article

- the protection and promotion of the identity of minorities is a cardinal principle of minority rights
- a right to protection from genocide
- a right to basic subsistence
- non-discrimination, non-exclusion and non-assimilation
- encouraging development and the promotion of cultural diversity
- positive measures to be adopted by the State to achieve these ends

Notes

Art.1.1

The group protection nature of the Declaration is very evident from this provision which implies an obligation for States to protect the existence and the national, ethnic, cultural, religious and linguistic identity of minorities. The existence of minorities includes their physical existence, their continued existence on the territories on which they live and their continued access to the material resources required to continue their existence on those territories. The right to existence is also referred to in the Convention on the Prevention and Punishment of the Crime of Genocide and at article 27 of the International Covenant on Civil and Political Rights. The protection of the existence of minorities goes beyond mere physical protection to protection of their religious, cultural and linguistic heritage essential to

to group identity. The encouragement of conditions for the promotion of that identity requires removal of legal obstacles to cultural development, facilitating that development, including the growth of the necessary institutions which underpin a flourishing culture, respect for the distinctive characteristics and contribution of minorities in the life of the State in all the listed fields, and the possibility of the State providing resources to further enhance such conditions.

Art.1.2

This requires that States protect and promote conditions for the group identity of minorities. Legislation is needed which must be complemented by other measures in order to ensure that this article can be effectively implemented. Furthermore, it is essential that the State consult the minorities on what would constitute appropriate measures. 'Other measures' include, but are not limited to judicial, administrative, promotional, and educational measures. The contents of the measures are largely set out under other articles of the Declaration including articles 2 and 4. Others may be derived from other international human rights instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination at article 4 and the international Covenant on Civil and Political Rights at article 20, on the elimination of incitement to racial hatred.

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.**

Key elements of the article

- corresponding measures required by States to ensure respect of the principles in the Declaration
- introduces the rights of minorities to wide-ranging effective participation
- freedom of association
- right to establish and maintain peaceful contacts with other members of their group, including intra-minority contacts, inter-minority contacts and trans-frontier contacts

Article 2.1

Article 27 of the International Covenant on Civil and Political Rights has almost identical language although the Declaration goes further as it is more explicit in requiring positive action. The Declaration makes it clear that these rights often require action, including protective measures and encouragement of conditions for the promotion of the identity of minorities. More specifically, the right to participation is well established in many international human rights instruments.

Art. 2.2

Article 2.2 introduces the concept of rights to participation in cultural, religious, social, economic and public life. Members of different groups should enjoy the right to participate, on the basis of their own culture and language, in the cultural life of the community, to produce and enjoy arts and science, to protect their cultural heritage and traditions, to own their own media and other means of communication and to have access on a basis of equality to state-owned or publicly controlled media. Furthermore, participation can involve the creation of ethnic, cultural and religious associations and societies, as well as political parties in the State. The full participation in public life may, in some cases, call for special arrangements involving, inter alia, local government, federalism or autonomy as long as these contribute to 'effective' participation.

Art. 2.3

Participation can be ensured in many ways, including the use of minority associations, membership in other associations and through their free contacts both inside the State and across borders.

Art. 2.4

This sub-article can be complemented by art. 13.4 of the International Covenant on Economic, Social and Cultural Rights which already refers to the liberty 'of individuals and bodies to establish and direct educational institutions' and in art. 6 (b) of the UN Declaration on Religious Intolerance which specifies that freedom of religion or belief includes the freedom to 'establish and maintain appropriate charitable or humanitarian institutions'. The right to associate of persons belonging to minorities extends both to national and to international associations.

Art. 2.5

This has a number of components including intra-minority contacts, inter-minority contacts and trans-frontier contacts. The right to intra-minority contacts is inherent in the right to association, inter-minority contacts make it possible for persons belonging to minorities to share experience and information and to develop a common minority platform within the State, while trans-frontier contacts allow for contacts with persons belonging to minorities as well as citizens of other States. The major safeguard for the State is that such contacts must be 'free' and 'peaceful'.

Effective political participation

While it is essential that members of different groups, majority and minority, be given opportunities for effective participation in the political organs of society, no single formula exists that is appropriate to all minority situations. The basic requirement is that everyone shall have the right and opportunity, without discrimination, to take part in the conduct of public affairs. To this end, it is recommended that States and minorities explore the following options, as appropriate to their particular situation:

1. **Advisory and decision-making bodies** in which minorities are represented, in particular with regard to education, culture and religion.
2. **Elected bodies and assemblies** (parliaments) of national or ethnic, religious and linguistic minorities.
3. **Local and autonomous administration**, as well as autonomy on a territorial basis, including the existence of consultative, legislative and executive bodies chosen through free and periodic elections.
4. **Self-administration** (functional autonomy, cultural autonomy) on a non-territorial basis by a minority of matters which are essential to its particular identity, such as the development of its language or its religious rites.
5. **Decentralized or local forms of government or autonomous arrangements** on a territorial and democratic basis, including consultative, legislative and executive bodies chosen through free and periodic elections without discrimination.
6. Special measures to ensure **minority representation in the legislature and other elected bodies of the national society**, even where their numerical strength is too small to have representation under normal conditions. In proportional electoral systems minimum thresholds for representation might be waived where minorities are concerned.

Article 3

1. **Persons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in 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.**

Key elements of the article

- **Persons can exercise their rights both individually and collectively.**
- **Persons belonging to minorities shall not be discriminated against either when they exercise their rights or when they decide not to do so.**

Notes

Art. 3.1

The most important element here is that rights can be exercised collectively, through associations, cultural manifestations or educational institutions, or in any other way. Of particular relevance are the rights for minorities to enjoy their own culture, profess and practice their own religion and speak their own language, all of which make little sense unless given collective expression. It is clear from this article that persons belonging to minorities, both individually and collectively, shall not be subjected to discrimination for manifesting their group identity, and that the rights to be exercised are not limited to those of the Declaration, but include all human rights.

Art. 3.2

Article 3.2 makes it clear that minorities shall not be disadvantaged in any way for choosing to exercise or not to exercise their rights. This also implies that the State cannot impose a particular ethnic identity on a given person nor can persons belonging to minorities force a member of their group to belong to it.

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 of their country.

Key elements of the Article

- Measures are to be adopted by States to ensure that persons belonging to minorities enjoy their rights. These should be deliberate, concrete and targeted.
- Rights of minorities to further develop their culture, language, religion, traditions and customs.
- Promotes the linguistic identity of minorities, by ensuring their right to learn their mother tongue and have instruction in their mother tongue.
- Ensures that majorities learn about the history, traditions and cultures of minorities.
- Promotes intercultural and multicultural education.
- Minorities are to participate in all aspects of development.
- The circumstances in which minorities live and the resources of the State will determine the extent to which these rights are granted.

Notes

Art. 4.1

This article sets out the measures that States should take in order to achieve the purpose of the Declaration and is its most important part, together with article 2, which sets out the rights. The article reaffirms that States must give particular attention to the human rights situation of persons belonging to minorities who are often in a vulnerable position and are discriminated against thus requiring special measures to ensure that they benefit from the same rights on a basis of equality with the rest of the population. The measures are not defined but they are understood to be both of a legislative and non-legislative nature.

Art. 4.2

Article 4.2 implies that on the one hand, individual members of the minority shall be enabled to express the traditional characteristics of the group, and on the other, that they shall be enabled, in community with other persons belonging to the group, to develop their culture, language and traditions. The qualification 'except where specific practices are in violation of national law and international standards' is necessary to meet the objection sometimes placed against minorities that group traditions may incorporate practices that are inconsistent with international human rights standards. This cultural compatibility element is also contained at articles 8.2 and 9.1 of ILO Convention No. 169 on Indigenous and Tribal Peoples. As for the reference to specific practices, these must be in violation of both national law and international standards, both elements being considered complementary, not alternatives.

Art. 4.3

This sub-article pertains to language rights of minorities which are among the most important carriers of group identity. Here measures are required for persons belonging to minorities to learn their mother tongue or to have instruction in their mother tongue. The steps required by the State in this regard depend on a number of minority situations, including the size of the group and whether the minority lives compactly together or dispersed throughout the country. In cases where the language of the minority is a territorial language traditionally spoken and used by many in the region of the country, pre-school and primary school education should, ideally, be in the child's own language. In regard to non-territorial languages spoken traditionally by a minority within a country, minorities should, as a minimum, have an opportunity to learn their mother tongue. In this regard, persons belonging to minorities have a right, like others, to establish their private institutions, where the minority language is the main language of instruction.

Art. 4.4

The overall purpose here is to ensure egalitarian integration based on non-discrimination and respect for each of the cultural, linguistic or religious groups which together form the national society. A similar concern is expressed in the international Convention on the Elimination of All Forms of Racial Discrimination at article 7 and in the Convention on the Rights of the Child at article 29.

In many States, the culture, history, and traditions of minority groups may be subject to distorted representations, especially in situations where there has been conflict, producing low self-esteem in the groups and negative stereotypes in the wider community. Minorities should receive education about their own culture and majorities should learn about the cultures of minority groups in ways which make it possible for them to appreciate those cultures as an enrichment to society as a whole. In addition, the curricula in all States should include the teaching of tolerance and mutual understanding of, and between, all groups.

Art. 4.5

This calls for the integration of all minorities in the overall economic development of society as a whole, while ensuring that this integration takes place in ways which make it possible for persons belonging to minorities to preserve their own identity. 'Full' participation is logically equivalent to 'effective' participation as reflected at article 2, and remarks made in that connection may thus be equally applied to article 4.5.

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.

Key element of the Article

The interests of persons belonging to minorities are to be taken into account in the planning and implementation of national policies and programmes as well as with regard to international cooperation.

Notes

Art. 5.1

This article implies that the participation of persons belonging to minorities in the economic progress and development of their country can be achieved only if their interests are taken into account in the planning and implementation of national policies and programmes. Members of different ethnic, religious and linguistic groups should, on a basis of equality, participate in, contribute to, and benefit from, the right to development. While the authorities are required to take only 'legitimate' interests into account, this is no different from what is required in relation to majorities. Planning of educational policy, health policy, housing or settlement policies are among the many national policies and programmes in which the interests of the minorities should be taken into account.

Art. 5.2

Here special guarantees should be taken in two major ways: firstly, to ensure that legitimate interests of minorities are not negatively affected by the measures implied in programmes of cooperation and assistance, and secondly, to ensure that persons belonging to minorities can benefit on par with majorities from that cooperation.

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.

Key element of the Article

encourages States to cooperate in order to find constructive solutions to situations involving minorities.

Notes

There are many ways by which such cooperation can be articulated. One such form of cooperation is the possible conclusion of bilateral treaties or other arrangements concerning good neighbourly relations based on the principles of the United Nations Charter, international human rights instruments, including the present Declaration. These should combine commitments of non-intervention with provisions for cooperation in promoting conditions for the maintenance of group identities and trans-border contacts by persons belonging to minorities. In addition, such treaties and other arrangements should include provisions for the settlement of disputes regarding their implementation, as well as confidence-building measures between minorities and States.

Article 7

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

Key element of the Article

- represents a general injunction to States to cooperate to support the Declaration.

Notes

The notion of cooperation by States refers to all the articles contained in the Declaration and should also be read together with article 9 which calls upon the specialized agencies and other organizations of the United Nations system to contribute to the realization of the Declaration. There are many forms of cooperation that can be envisaged between States. This may relate to the establishment of inter-governmental mechanisms at regional and international levels and procedures to promote peaceful and constructive solutions to problems involving minorities, including the establishment of permanent mixed commissions, either inter-state or regional, to facilitate continuing dialogue between the border region concerned.

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.**

Key elements of the Article

- Reiterates that the Declaration is to be considered as complementary and an addition, not a substitute for other international human rights instruments.
- Balances the exercise of minority rights with the rights of others.
- Such special rights shall not be considered discriminatory.
- Any threat to, or undermining of, the principle of territorial integrity in the name of self-determination cannot be based on the Declaration.

Notes

Art. 8.1

This is a clear reminder that the Declaration is to be considered an addition to the rights contained in other instruments and an addition, not a substitute, for commitments already made.

Art. 8.2

This sub-article balances the exercise of the rights contained in the Declaration with the rights of others, including rights contained in other international human rights instruments. In this connection, the exercise of minority rights must not interfere with the liberties and freedoms of other persons, whether they belong to the minority or not.

Art. 8.3

Here reference is made to the measures adopted by States to implement the rights of minorities and is a reminder that such measures, not the rights per se, are to be compatible with equality. Reference to equality in the Universal Declaration of Human Rights is made in article 1 which refers to all human beings being born free and equal in dignity and rights, and article 2 which provides that everyone is entitled to all the rights set out in the same Declaration without distinction of any kind such as race, language, religion or national origin. It is understood that measures adopted to grant rights to minorities are not considered as privileges but means to ensure that minorities are able to enjoy the same level of equality with other groups in society. It is essential, however, that such measures remain reasonable under the circumstances, do not constitute impermissible discrimination and are proportional to the aim to be achieved.

Art. 8.4

Article 8.4 implies that any threat to, or undermining of, the principle of territorial integrity in the name of self-determination cannot be based on the Declaration. Furthermore, the rights of persons belonging to minorities are different from the rights of peoples to self-determination as referred to in article 1 of the United Nations Charter, and minority rights cannot therefore serve as a basis for claims of secession or dismemberment of a State. However, it is also evident that the non-respect of the provisions of the Declaration, can lead to such negative results for 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.

Key element of the Article

Provides for a role to be played by the United Nations system in the realization of the principles contained in the Declaration.

Under this article the specialized agencies and international organizations of the United Nations system are to pay special attention to the Declaration and to the implementation of its principles. To this end, the General Assembly, on the occasion of the adoption of the Declaration, made the following recommendations:

1. that the text of the Declaration be disseminated as widely as possible;
2. that United Nations agencies and organizations, as well as inter-governmental and non-governmental organizations intensify their efforts with a view to disseminating information on the Declaration and to promoting understanding thereof;
3. that the relevant organs and bodies of the United Nations, inter alia, the treaty-bodies and representatives of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights give due regard to the Declaration within their mandates;
4. that the Secretary-General consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon.

International Covenant on Civil and Political Rights (ICCPR)

The ICCPR protects a wide range of rights and together with the Convention on the Rights of the Child is the only global treaty which includes a provision specifically referring to minority rights, namely article 27.

Article 1: sets forth the right of “all peoples” to self-determination, which includes the right to determine their political status and freely pursue their economic, social and cultural development. Peoples also may freely dispose of their natural wealth and resources. However, according to the Human Rights Committee, this right does not belong to minorities per se, even though the distinction between “peoples” and “minorities” may be difficult to discern.

Article 2.1: guarantees that the rights protected by the Covenant apply to all individuals, 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. This entitlement applies to all individuals within the territory or under the jurisdiction of a State (see also General Comment No. 18).

Article 3: provides for the equal enjoyment of all rights for men and women (see also General Comment No. 28).

Article 12: guarantees free movement and choice of residence for everyone lawfully within the territory of a State, as well as the right to leave any country and to enter one's own country.

Article 17: protects against interference with a person's privacy, family, home, or correspondence, as well as against attacks on honor and reputation.

Article 18: is essential to minorities and protects freedom of thought, conscience, and religion. Minorities may manifest their religion in public or private through worship, observance, practice, and teaching, and parents are free to ensure that the religious and moral education of their children conforms to their own convictions.

Article 19: protects freedom of opinion and expression. This is basic to the ability of minorities to communicate in their own language and includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media.” As is true for many other rights, freedom of expression may be legitimately restricted by law, but only where such restrictions are necessary to protect the rights of others or to protect national security, public order, public health, or public morality.

Article 20: requires governments to prohibit by law any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence (see also General Comment No. 11).

Article 22: guarantees freedom of association. While most of its provisions concern trade unions, this article also protects the right to form and participate in minority educational, cultural, political, and other organizations.

Article 25: sets forth the rights and opportunities of citizens to participate in the conduct of public affairs, to vote and be elected and to have access to public service (see also General Comment No. 25).

Article 26: is a general non-discrimination clause that guarantees equality before the law and equal protection for all. This right does not preclude the State from making reasonable distinctions among categories of people, such as the need to speak the official language under certain circumstances, but it prohibits any unreasonable distinction based on one's status as a member of a minority group.

Article 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 practice their own religion, or to use their own language.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

While the ICESCR clearly sets out economic, social and cultural rights, it allows States greater flexibility in how they respect these rights than does the ICCPR with regard to civil and political rights. Some have described many of the rights in ICESCR as creating obligations of result rather than obligations of conduct. In other words, States enjoy a wide degree of discretion in determining how best to protect these rights, given the different circumstances in each country. The ICESCR also includes a non-discrimination clause to guarantee that rights will be exercised without discrimination of any kind. This non-discrimination provision must be applied immediately, rather than only progressively.

Article 3: requires States to ensure the equal enjoyment of all rights for men and women.

Articles 6 and 7: concern the right to work, including the opportunity to gain one's living by work freely chosen, as well as the right to enjoy just and favorable conditions of work.

Article 11: sets forth the right to an adequate standard of living, including adequate food, clothing, housing, and the continuous improvement of living conditions.

Article 12: requires States to ensure the highest attainable standard of physical and mental health, including an obligation to reduce infant mortality and to promote the healthy development of the child.

Articles 13 and 14: set forth the right of everyone to education, including a provision that primary education must be compulsory and free for all. Of particular interest to minorities is the liberty of "individuals and bodies" to establish and direct educational institutions, as long as these institutions conform to whatever minimum standards may be established by the State.

Article 15: states that everyone has the right to take part in cultural life and to have his/her intellectual property protected.

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Many people, including members of minority groups, make the mistake of assuming that the ICERD applies only to what is traditionally thought of as “racial” discrimination, i.e., formal legal schemes that discriminate based on colour. In fact, the application of the ICERD is much more expansive, since “racial discrimination” is defined 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” (emphasis added).

Article 2 (1.d): A State's obligation under the ICERD extends not only to its own actions and those of other public authorities. It also must prohibit and bring to an end racial discrimination by any private person, group, or organization).

Article 4(a): States must punish, by law, the dissemination of ideas based on racial superiority or hatred and must prohibit organizations from promoting and inciting racial discrimination.

Article 7: provides for States to adopt “immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups”

Article 5: The rights that must be guaranteed without racial discrimination are specified in this article and parallel those in other international human rights treaties. They include equal treatment before judicial bodies, the right to participate in public affairs and have equal access to public service, freedom of movement and residence, freedom of opinion and expression, and the right of access to any place or service intended for use by the general public.

Convention on the Rights of the Child (CRC)

With 191 States Parties, this is the most widely ratified human rights treaty. It focuses on the promotion and protection of children's rights (children are defined as persons below 18 years of age), and it extends to children most of the rights guaranteed to “everyone” under other international instruments. The article in the CRC which specifically concerns minorities is article 30. The following are among the articles that may be of particular interest to minorities:

Article 2: provides that the rights in the Convention must be guaranteed without discrimination on the basis of, among other qualities, race, colour, language, religion, or national or ethnic origin.

Article 3: sets forth the basic principle of the Convention, which is that the best interests of the child should be the primary consideration in all actions concerning children.

Article 6: recognizes the child's right to life, survival and development.

Article 7: requires that children be registered immediately after birth and have the right to a name and nationality.

Article 12: recognizes respect for the views of the child.

Article 17: encourages the mass media to cooperate in producing and disseminating material from diverse cultural sources and “to have particular regard to the linguistic needs of the child who belongs to a minority group”.

Article 20: provides that due regard should be paid to a child's ethnic, religious, cultural, and linguistic background, when it is necessary to place the child in a home other than that of his/her family.

Article 24: recognizes the child's right to health.

Article 28: provides for the child's right to education, including access to primary education

Article 29: reflects the fundamental purpose of education, and states, among other things, that a child's education shall be directed to developing respect for: human rights and fundamental freedoms; his/her own cultural identity, language, and values; the national values of the country in which the child lives and from which he or she may have originated; and the values of other civilizations (see also General Comment 1).

Article 30: essentially extends to children the provisions of article 27 of ICCPR regarding the right to enjoy one's culture, practice one's religion, and use one's own language.

Article 31: calls upon States to respect and promote a child's right to participate in cultural and artistic life.

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

The Committee on the Elimination of Discrimination Against Women supervises this Convention, which deals with the rights of women. These rights include the right to equal treatment under the law; equality in education, political participation, employment, health, and the economy; freedom from sexual exploitation; and the possibility of temporary special measures to overcome inequality. In addition to agreeing to eliminate discrimination against women by "any person, organization or enterprise", States agree to take appropriate measures "to modify or abolish existing laws, regulations, customs and practices" that discriminate against women (emphasis added).

Certain articles of the Convention on the Elimination of Discrimination Against Women may be of particular relevance to minority women. For example:

Article 5: obliges States to take "all appropriate measures... [t]o modify the social and cultural patterns of conduct of men and women" in order to eliminate "prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

Article 7: concerns the right of women to participate in public life and to hold public office.

Article 10: requires that educational programmes eliminate stereotyped concepts of the roles of men and women.

Article 12: requires the elimination of discrimination against women with respect to access to health care services.

Article 14: concerns the particular problems faced by rural women, many of whom may be members of minorities.

Article 16: reiterates that women and men shall be equal in all matters related to marriage and family, including the right to marry freely and only with full and free consent. It also provides that no legal effect may be given to the betrothal or marriage of a child.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Members of minorities have the same right to be protected against torture and other cruel, inhuman, or degrading treatment or punishment as any other individual. The Torture Convention requires States to make torture a crime and to punish or extradite alleged torturers whenever they may be found within a country's jurisdiction.

ANNEX C

How are international human rights, including minority rights monitored?

Each of the treaties has a committee that monitors the way in which States Parties are fulfilling their human rights obligations under the respective treaty. The Committees, also known as human rights treaty bodies, vary in size from 10 to 23 members and are composed of international human rights experts who serve in their personal capacity and not as representatives of their governments. The committees meet for several weeks each year, usually in Geneva, however the Committee which oversees the implementation of the Convention on the Elimination of All Forms of Racial Discrimination against Women meets in New York and the Committee responsible for the implementation of the Covenant on Civil and Political Rights meets once in New York and twice in Geneva each year.

How do States report to the Committee?

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*, minority-specific rights contained in the relevant instruments (these can be found at Annex B of this toolkit). The report submitted by the State party should provide a comprehensive understanding of the implementation of the respective treaty and indicate the factors and difficulties that prevent full compliance with the provisions in the treaty. Upon completion of the report, it is sent by the State party to the United Nations Office of the High Commissioner for Human Rights in Geneva, Switzerland, and in the case of the Convention on the Elimination of All Forms of Discrimination against Women to the Division for the Advancement of Women, New York, which respectively service the sessions of the committees.

When a State party report comes before the respective Committee for examination, in public sessions, a representative of the country concerned may introduce it, answer questions from the expert members of the Committee and comment on the observations made. On the basis of the information they receive, including from NGOs, the Committees can insist on a genuine dialogue with the reporting 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. The Committees can only receive or consider information concerning countries which have ratified the treaties. After having considered the State party report, the Committee adopts "concluding observations" which evaluate the State's performance by recognizing positive developments, the factors and difficulties impeding the implementation of the treaty, the principal subjects of concern and concrete suggestions and recommendations for future action. The concluding observations are made public on the last day of a Committee session and are sent to both the Government concerned and the General Assembly of the United Nations.

*This **Toolkit** provides readers guidance on the International Human Rights Instruments available, the United Nations mechanisms which may be used to submit information and complaints regarding individual and collective human Rights violations. It details practical information on fact finding, how to submit information and use the procedures, participate in meetings and whom to address complaints to. It points to some avenues which may be available for readers to lobby for change at the International level. In this way this Toolkit represents a contribution to ensuring that grievances are heard, violations are redressed and situations are highlighted.*

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ISBN : 955-580-062-6