



DURBAN REVIEW CONFERENCE - GENEVA 2009

PROTECTION OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

The main point of reference for the international community regarding the rights of minorities is the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in 1992. It includes a list of rights to which persons belonging to minorities are entitled, including the right to enjoy their own culture, to profess and practice their own religion and to use their own language. It also contains measures which States could implement to create an environment conducive to the enjoyment of such rights, for example, through encouraging public knowledge of the history, traditions, language and culture of minorities existing within their territories and enabling persons belonging to minorities to participate fully in the economic progress and development of their country. States are also asked to implement national policies and programmes with due regard for minority interests. The cornerstones of the Declaration are the principles of non-discrimination, effective participation and protection and promotion of identity.

The Declaration was inspired by Article 27¹ of the International Covenant on Civil and Political Rights, which is the most widely accepted legally binding provision on minorities. In terms of monitoring, human rights treaty bodies (in particular the Committee on the Elimination of Racial Discrimination and Human Rights Committee) as well as special procedures have been paying increasing attention to situations and rights of persons belonging to minorities.

Since 2005, the focal point at the United Nations is the Independent Expert on minority issues whose mandate is to promote the implementation of the 1992 Declaration. In 2007, the Forum on Minority Issues was established to provide a platform for promoting dialogue and cooperation in that field as well as thematic contributions to the work of the Independent Expert.

Consistent with the provisions of the 1992 Minorities Declaration, the 2001 Durban Declaration and Programme of Action urged Governments to create favorable conditions and take measures that would enable persons belonging to minorities within their jurisdiction to express their characteristics freely and to participate on a non-discriminatory and equitable basis in the cultural, social, economic and political life of the country in which they live. The Durban Programme of Action specifically calls for the creation and implementation of policies that promote a high-quality and diverse police force free from racism, racial discrimination, xenophobia and related intolerance. One of the Programme's recommendations is that

¹ "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language".



A Roma girl studies in a tent school for ethnic Serb and ethnic Roma children in Pristina, Kosovo

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in recruiting for public employment, including the police force, States ensure the participation and representation of all groups including minorities. States are also urged to design, implement and enforce effective measures to eliminate the phenomenon of “racial profiling”.

Although the rights of persons belonging to minorities are being increasingly recognized as an integral part of the anti-discrimination agenda of the international community, much remains to be done to achieve the true meaning of living in dignity and justice, free of racism – as inscribed in the motto for the 2009 Review Conference. The Durban Review Conference will offer an important platform to examine the implementation and impact of anti-discrimination policies and measures aimed at forging multiculturalism and bring expression to additional insights in tackling new forms of discrimination which are increasingly visible and affect minorities adversely.

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