



United Nations Human Rights Council

**ADDRESSING THE RIGHTS OF
MINORITY GROUPS IN PRESENT
DAY GEOPOLITICS**



UN Information Centre
for India and Bhutan



LETTER FROM THE EB

Dear Delegates,

On behalf of the Organising Committee of HYLIC 2017, we'd like to welcome you to this simulation of the UNHRC. We hope this study guide is a comprehensive document that aids in your preparation and helps in your understanding of the expectations that we as the executive board have of the committee.

This session of the UNHRC is unique in the sense that it is a special session. The significance lies in the fact that this session deals with a specific topic. One that has rattled society since its inception. Sadly though it is something that has been brought to the forefront rather recently but is gaining momentum by virtue of it being publicised on a global scale.

On the one hand you have countries taking strides in the positive direction to eliminate this problem but you also have countries that are not just hindering progress but are in fact taking several steps backward and making it impossible for any sort of global solution to the problem. This is what we hope to eradicate in this session.

For ages, there has been a disparity in terms of population. In a homogenous society, a particular group always gets left out, no matter how much you try to avoid it. However, it is imperative that we try to bridge the gap to a point where the difference between the majority and the minority is minimal. In recent times, the need to cater to minority has come to the forefront and their rights or lack thereof have come into question. With growing diversities that have transcended geographical boundaries, the quest to find a solution to the problem has become extremely necessary.

This study guide will not just provide you with the basis for your research: it will also act as a guideline about what topics we look forward to being raised and discussed in council in detail. Do expect a few surprises right before committee begins.

We look forward to your presence at this council and wish you all the best! Should you have any queries do contact us and we shall revert to you at our earliest!

May the force be with you.

Regards,
Executive Board
UNHRC

Akshay Aravindan

Vishnu Srinivasan

Srinivasan

Vice-Chair

Chair

Director

NOTE:

Do note that this guide is merely a background guide which will give an overview of this agenda. You cannot use this guide as an official document for validation during the conference. However, you can use this guide as a starting point for further research with respect to your country, the agenda and our Please note that only news articles, facts and figures from the following sources shall be accepted as valid proof in our committee:

1. UN official reports, journals, newsletters and articles, etc;
2. Reuters Reports

COUNCIL DESCRIPTION

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva. The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

The Council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006.

One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms. Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special rapporteurs, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific

The best place to find further information about anything related to the council and its working (including, but most definitely not limited to this)

<http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>

DEFINITIONS IN THE AGENDA : MINORITIES

While the exact interpretation of the term minority is varied worldwide and subjected to change based on geopolitical conditions, there is some consensus in defining the same with a broader perspective, as *"a group of individuals who are numerically smaller in number in that given area"*. Under International law, in accordance with Article 1 of the United Nations Minority Declaration, the term is broadly based on nationalistic, cultural, religious, gender and linguistic identity and rightfully proclaims that it is the fundamental duty of the state to preserve their existence and protect them from exploitation.

There is no globally accepted definition for the term minority, and has been interpreted in several ways in the past based on convenience and political scenarios that prevail in the region. The difficulty in coming up with a unanimous definition for the same, lies in the complexity of the different methods under which one can be categorized as a minority. For instance, the 1977 definition for minorities given by Francesco Capotorti, Special Rapporteur of the United Nations is as follows : *"a group numerically inferior in terms of population and in a non-dominant position whose ideology differs from the majority of the population in that area"*.

Thus, while varied definitions narrow mindedly put sections of society into boxes of preconceived notions, the most globally acceptable explanation which encompasses people from all walks of life is on a numerical basis alone. Let us now classify minorities on various aspects to further illustrate their importance in the current scenario.

1. Minority based on religion :

In a particular geographical location, if the members of a certain religion are numerically inferior, they would constitute religious minorities. Religion divides people fundamentally, based on their ideologies and beliefs, and hence form a volatile part of any society if not addressed properly. All over the world, rampant Islamophobia has resulted in the suppression of the Muslim community globally, with more nations taking aggressive stances towards the community such as the United States and its policy under President Donald Trump. This religious divide can also be traced back to the anti-Semitic views of the Nazis during World War II, where the intensity of the hatred and bigotry resulted in consequences that can even be felt today.

2. Minority based on Race :

The discrimination of people on the basis of race is time old and while its existence has been curbed in the recent times, it is still rampant in many areas resulting in widespread violence. For instance, the discrimination of the blacks in the United States is a prime example of undermining minority rights in a society. While the discrimination on the basis of race has been on the decline in the recent years, racial disparities continue to exist especially in the US justice system. Studies show that African American men are incarcerated 6 times as often as the white men.

3. Minority based on Gender :

The discrimination of humans on their gender has been globally observed for many decades now and is of concern to us. Recent trends however show that there is an improvement in human rights of women, but in many part of the world, this has yet to change. With the rising importance of feminism and involvement of women in all walks of life, it is only a matter of time that their existence as a minority is overturned. Some countries that follow the Sharia law, such as Saudi Arabia still continue to discriminate women and deny them even their fundamental rights. Such atrocities have been debated repeatedly in the Human Rights Council, but no conclusive action has been taken towards the same.

4. Minority based on Culture :

While people are discriminated based on their religion, certain sects of these religion might be oppressed further than the others. For instance, it is not uncommon to note the divide between Shia and Sunni Muslims within the Islamic community and this divide produces disparity in provision of rights for these sects of society. Such individuals who are culturally different and numerically inferior are also minorities, and their rights are often violated.

5. Minority based on Language :

A linguistic minority converses in a different language as compared to the rest of the population. They can be widely classified as :

- i) Permanent residents : People who reside in an area where their language isn't widely spoken.
- ii) Transitory : People who enter into a linguistically different area in search of opportunity.

Linguistic minorities pose a unique problem where in, their existence is distributed unevenly throughout a nation. For instance in a country like India, there is a variation in linguistic minorities all over the country. This ranges from 3.44% in the state of Kerala, to 48.48% in the state of Goa. Thus, this uneven distribution of these minorities poses significant challenges in securing their rights and preventing their exploitation.

6. Minority based on Sexual Orientation and Gender Identity :

This classification based on sexual orientation and gender identity is relatively newer, and their inclusion has been debated for long by people all over the world. Members of the LGBT community fall under this category and their discrimination is rampant as seen in society today.

While in some parts of the world such as the Scandinavian countries, there is no discrimination against members of this community, in most other nations including India, same sex relationships are considered illegitimate. They are seen as objectionable by culture and religion

and even punishable by law. Thus, it is only natural that discrimination follows suit and they constitute some of the most oppressed parts of our society.

INTERNATIONAL LEGAL FRAMEWORK

Minority rights are the normal individual rights as applied to members of racial, ethnic, class, religious, linguistic or sexual minorities. These are the rights provided to the people who are oppressed in certain countries based on disproportional population in the region.

Civil rights pertain to the rights acquired by the individual by being a citizen or a resident with regards to equality, freedom, good governance and justice during the due process of law. They guarantee one's ability to participate in the civil and political life of the society and state without discrimination or repression.

Political rights concern the rights of individuals to seek redress or a legal remedy and politics such as freedom of association, the right to assemble, the right to petition, the right of self-defence, and the right to vote. Political rights remain relevant to the status quo as they ensure the prevention of infringement of the individual rights by the government.

Civil and political rights form the original and main part of international human rights. They comprise the first portion of the 1948 Universal Declaration of Human Rights (with economic, social, and cultural rights comprising the second portion).

COMMON QUESTIONS ON MINORITIES:-

A. Who are minorities under international law?

While there is no internationally agreed definition as to which groups constitute minorities, article 1 of the United Nations Minorities Declaration adopted in 1992 refers to minorities as based on national or ethnic, cultural, religious and linguistic identity, and provides that States should protect their existence

B. Are indigenous peoples considered as minorities?

While indigenous peoples can claim minority rights under international law, there are United Nations mandates and mechanisms dedicated specifically to protecting their rights. The United Nations Declaration on the Rights of Indigenous Peoples requires States to consult and cooperate with indigenous peoples to obtain their free, prior and informed consent before undertaking development activities that might have an impact on them, whereas the United Nations Minorities Declaration contains a more general right to participate in decision-making and requires that the legitimate interests of persons belonging to minorities should be taken into account in national planning and programming.

C. Do minority rights apply to non-citizens?

Under the provisions of human rights instruments, States have an obligation to protect the rights of all persons subject to or under their jurisdictions. Their treatment is to be rooted in the customary international law principle of non-discrimination, which is fundamental in international law and is reflected in all human rights instruments and documents. Indeed, the right not to be discriminated against is guaranteed under several instruments of direct relevance to minorities.

D. What is the relationship between minorities, non-citizens and stateless persons?

According to article 9 of the 1961 Convention on the Reduction of Statelessness which states that “a Contracting State may not deprive any person or group of persons of their nationality on racial, ethnic, religious or political grounds.” It is thus important to note that discrimination against a person on one of the aforementioned grounds resulting in the arbitrary deprivation of nationality may contribute to meeting some of the requirements in the determination of refugee status.

MINORITIES AROUND THE GLOBE

1. AUSTRALIA (ABORIGINAL AUSTRALIANS)

Minority groups include Aborigines, Torres Strait Islanders and South Sea Islanders. In Queensland, there is also a South Sea Islanders community. The historic indigenous populations – the Aborigines and the Torres Strait Islanders – are more evenly distributed and, despite being little more than 1.5 per cent of the total population, are dominant in parts of the Northern Territory and Cape York and in several other northern and inland areas.

Racial vilification against Aborigines remains all too common more than 40 years after landmark legislation was passed outlawing discrimination against a person due to race.

2. CHINA (UYGHUR MUSLIMS)

Tensions in Xinjiang between Uyghur Muslims and Han Chinese have made the region one of the Chinese Communist Party’s biggest domestic challenges. There have been several instances where in disagreements between the Uyghur Muslims and Han Chinese has led to violent riots in region. On the contrary several human rights activists claim that heavy-handed government responses to isolated acts of violence are exacerbating the problems between Xinjiang’s Uyghur and Han communities, who represent roughly 45 and 40 per cent of the province’s population.

3. SRILANKA (TAMILS)

Even though the government of Sri Lanka has acceded to the international convention on elimination of all forms of racial discrimination there have been several instances where there remains a biased approach towards the ethnic

Tamil minority group. It has been observed that there is a delay in submission of the periodic report to the committee on elimination of racial discrimination.

The draconian Prevention of Terrorism Act (PTA) is used as a tool to commit large scale atrocities against the Tamil population and minorities in general. The PTA has been applied for arbitrary arrests and detention, unfair trials and torture as documented by the OHCHR investigation on Sri Lanka.

The Tamil minority group is also victim of Enforced or involuntary disappearance majority of the disappeared persons during the past three decades were from the Tamil community however, the government ratified the International Convention on the Protection of All Persons from Enforced Disappearances, but it has failed to criminalize the act of enforced disappearances.

4. KOSOVO

Kosovo has always been multi-ethnic. Its history is very important to Albanian and Serbian identities. Ethnic Albanians and Serbs have been living in Kosovo since the 11th century. The Kosovo liberation army present in the territory have escalated the violent attacks against the ethnic Serbian minorities. The situation of the minorities in Kosovo is worsening day by day, Eight years of international rule has led to segregation and ethnic cleansing of the Serbian minorities. There is a lack of a rule of law for minorities with the judicial system unable to address security, discrimination or property issues for the minorities.

CASE STUDY : ROHINGYA

Who are the Rohingya ?

The Rohingya are a Muslim minority group who primarily live in the western Rakhine state of Myanmar who practice Sunni Islam. They are approximately 1 million in number and account for nearly a third of the population of the Rakhine state. Thus, they form a minority in Myanmar's predominant Buddhist groups both religiously and linguistically. However, since its independence in 1948, the governments in Myanmar have refuted claims by the Rohingya and have not been recognized as one of the 135 ethnic groups in the country.

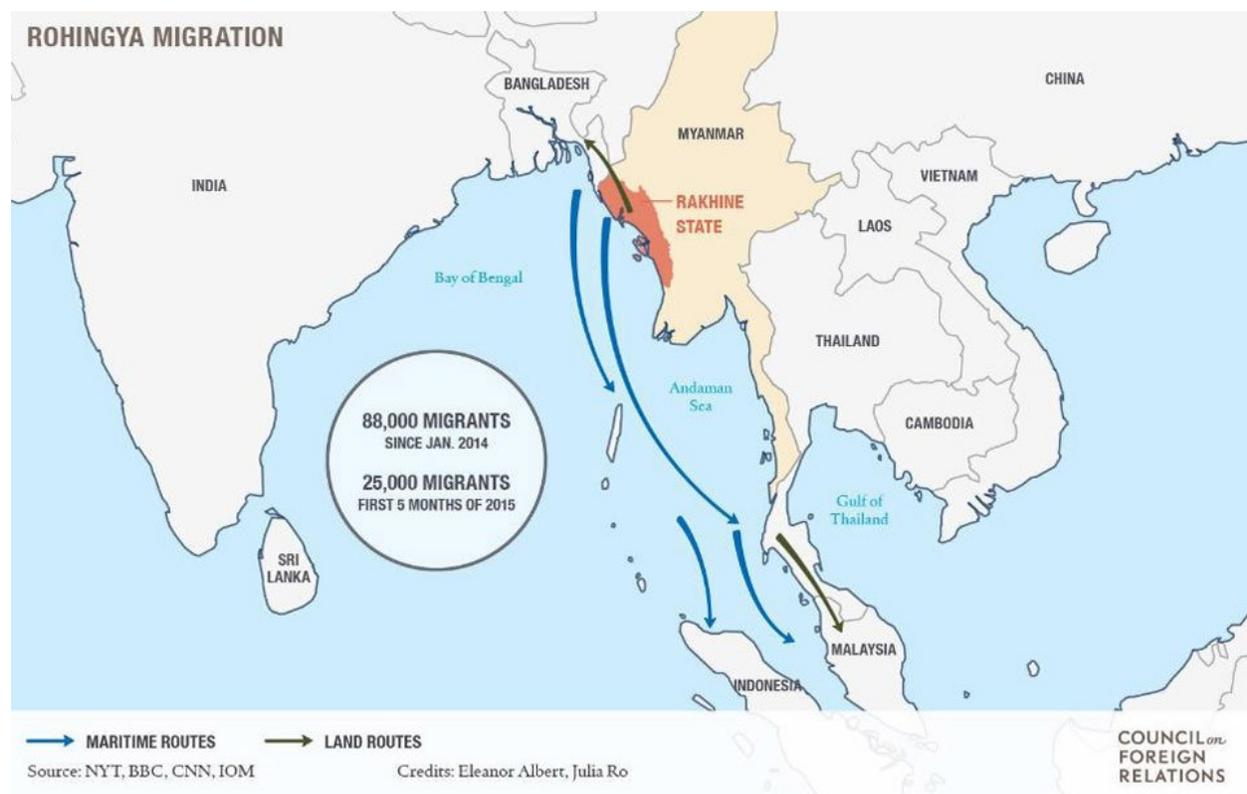
Moreover they are proclaimed as illegal Bengali migrants despite having resided in the country for many centuries. The Myanmar government and the Buddhist groups called the Rakhine, reject the usage of the term 'Rohingya' as they believe it offers a sense of collective unity. Thus, the government refuses to grant them citizenship and hence a vast majority of their population have no legal documents effectively reducing them to illegal immigrants. This was a result of the citizenship law introduced by the military Junta in 1982 stripping them off their 'citizen' status.

Rohingya Migrant Crisis

As a result of the government's discriminatory policies the Rohingya have fled Myanmar in large numbers, many through the sea to reach Malaysia, Indonesia and Thailand. This exodus was a result of consistently being belittled by the majority Rakhine and has been in practice ever since

the 1970s. To their misfortune, the neighbouring countries also have rigid immigration laws which hamper the entry of these people under the fear of being incapable of handling mass immigration of the Rohingya group.

Moreover the Rakhine state is impoverished with nearly 78% of the households residing below the threshold, coupled with unemployment and poor infrastructure, thus exacerbating the divide between the Buddhist and the Rohingya Muslims. The government has also imposed several restrictions on marriage, employment, education and religion against the Rohingya Muslims that have led to a migrant crisis of such intensity.



Large scale violence broke out in 2012, when there was an accusation of rape and murder of a Buddhist woman by Rohingya men which was met with great retaliation. The majority Buddhist population killed over 280 people, burning their homes and displacing them in large numbers. Even now, many Rohingya Muslims continue to stay in refugee camps as a result of this act of violence. Their state of existence has been on the decline with many of them resorting to smuggling as a way to pay their way out of the country, to merely avoid persecution by the intolerant government.

Thus, through the Rohingya example, we understand the importance of minority rights, and its wide implications on global geopolitics.

Activities of the United Nations

- The Independent Expert on minority issues has a mandate to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and to identify best practices and possibilities for technical cooperation by the UN human rights office.
- The Forum on Minority Issues serves as a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities and provides thematic contributions and expertise to the work of the [Independent Expert on minority issues](#).
- The UN human rights office supports the activities of a number of human rights treaty bodies as well as special procedures which all devote attention to situations and rights of persons belonging to minorities (see especially the Committee on the Elimination of Racial Discrimination and Human Rights Committee).
- The UN human rights office supports the Working Group of Expert on People of African Descent, which elaborates short, medium and long term proposals for the elimination of racial discrimination against people of African descent.

The United Nations has highlighted the problem of discrimination against indigenous peoples since the first Decade to Combat Racism and Racial Discrimination in 1973-1982. In 1982, the UN Working Group on Indigenous Populations articulated needs and aspirations of indigenous peoples in a draft Declaration of the Rights of Indigenous Peoples. This led to the landmark adoption of the [Declaration on the Rights of Indigenous Peoples](#) in September 2007 by the UN General Assembly. The Declaration has rapidly become a key tool for the promotion and protection of the rights of indigenous peoples.

The [Committee on the Elimination of Racial Discrimination](#) has made it clear that discrimination against indigenous peoples is racial discrimination.

The UN has established various mechanisms for promoting and protecting the [rights of indigenous peoples](#) that contribute to combating discrimination against them:

- The Permanent Forum on Indigenous Issues was created to advise the UN and specifically to raise awareness and promote the coordination of activities in this field.

- The [Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people](#) has a mandate to gather, request, receive and exchange information on alleged violations of their human rights.
- The Expert Mechanism on the Rights of Indigenous Peoples provides the Human Rights Council with advice and thematic expertise on the rights of indigenous peoples.

The Indigenous Peoples and Minorities Unit of the Office of the High Commissioner for Human Rights is specifically tasked with advancing the rights of indigenous peoples, including by combating discrimination. It builds national capacity, including through training programmes for indigenous activists; conducts research and analysis; supports the Expert Mechanism and the Special Rapporteur; and engages with the wider community forging partnerships, raising awareness about the Declaration and other key standards and mobilizing support for anti-discrimination measures through legislation, policies and programmes. It also provides support to the Office's presences on the ground and UN country teams in their efforts to promote indigenous people's rights and eliminate discrimination.

POSSIBLE SOLUTIONS

There are several factors to be considered before framing solutions to the issues faced by the minorities, the interests of a country play a major role with regards to the treatment of minorities. One of the major problems faced by the minorities is enforced or involuntary disappearances this issue can be rectified with the implementation of the habeas corpus system which may provide viable solutions. Assessment of situation of minorities in regions can be done to find out the situation in the specific region and proper reports can be submitted to frame necessary solutions to the issue of minority rights. Framing structures and settings for the improvement of minorities and identifying the priorities to address the minorities can be done to improve the overall status minorities. Assessment of who constitute to be accepted as a minority can be done and may be agreed upon internationally so that the ambiguity with respect to the same can be avoided. Reparation to minorities can also be considered to sort out financial issues faced by minorities.

