

## **COURSE ON MINORITY RIGHTS**

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**China University of Political Science and Law, spring 2014**

### **1) Introduction (2 hours):**

- Why minority rights?
- Definitions of terms: minorities, and also indigenous and tribal peoples
- How many groups are there worldwide, and how many persons belong to these groups?

Reading:

- Gudmundur Alfredsson, "Minority Rights: Norms and Institutions" in Kevin Boyle (editor), *New Institutions for Human Rights Protection*, Oxford: Oxford University Press, 2009, pp. 175-206 (attached)

### **2) Intergovernmental Organizations and the Main Instruments with Provisions on Minority Rights (2 hours):**

- UN, UNESCO, ILO, and regional organizations
- The International Covenant on Civil and Political Rights - articles 26-27
- The International Convention on the Elimination of All Forms of Racial Discrimination - articles 1-7
- The Convention on the Rights of the Child - articles 17 and 29-30
- The Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities
- The Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169)
- The Declaration on the Rights of Indigenous Peoples

Reading:

- Locate and read through the above-listed instruments on the websites of the UN High Commissioner for Human Rights at "[www.ohchr.org](http://www.ohchr.org)" and "[www.ilo.org](http://www.ilo.org)"

### **3) The Contents of Minority Rights (2 hours):**

- The equal enjoyment of all human rights
- The prohibition of discrimination
- Special measures and special rights, in relation to the rights to life, identity, culture, language, education, employment, economic activities, political participation (including autonomy), and so on
- Prohibition of hate speech
- Individual and group rights
- Land and resources rights of indigenous peoples

Reading. The following texts are available on the UN website at "[www.ohchr.org](http://www.ohchr.org)":

- Article 1 of the Universal Declaration of Human Rights
- Articles 2 and 26 of the International Covenant on Civil and Political Rights
- Article 2,2 of the International Convention on the Elimination of All Forms of Racial Discrimination
- General Comments No. 18 and 23 of the Human Rights Committee
- General Recommendation No. 32 of the Committee on Elimination of Racial Discrimination

#### **4) National Implementation and International Monitoring (2 hours):**

- Legislation, enforcement, access to justice and remedies
- Treaty-based monitoring, including complaints procedures and state reporting
- Charter-based monitoring, including special procedures and the Universal Periodic Review

Reading The following reports are available on the UN website at "[www.ohchr.org](http://www.ohchr.org)":

- The reports of the UN Independent Expert on Minority Issues, from 2012-13
- The reports of the UN Forum on Minority Issues, from 2012-13
- The reports of the UN Special Rapporteur on the Rights of Indigenous Peoples, from 2012-13
- The reports of the UN Expert Mechanism on the Rights of Indigenous Peoples, from 2012-13
- The reports of the UN Permanent Forum on Indigenous Issues, from 2012-13

#### **5) Case-Law (7 hours):**

- Views of the Human Rights Committee, in the following cases. They are all available on the UN website at "[www.ohchr.org](http://www.ohchr.org)":
- Communication no. 2073/2011, Naidenova et al. v. Bulgaria (impending eviction and demolition of housing of long-standing Roma community)
- Communication no. 1558/2007, Katsaris v. Greece (failure to investigate police violence and ill-treatment against ethnic Roma)
- Communication no. 879/1999, George Howard v. Canada (right to enjoy their own culture)
- Communication no. 760/1996, J.G.A. Diergaardt et al. v. Namibia (right to enjoy their own culture and interim measures)
- Communication no. 612/1995, José Vicente and Amado Villafañe Chaparro, on their own behalf; Dioselina Torres Crespo, Hermes Enrique Torres Solis and Vicencio Chaparro Izquierdo on behalf of their deceased fathers, Luís Napoleón Torres Crespo, Angel María Torres Arroyo and Antonio Hugues Chaparro Torres, v. Colombia. Case is also known as Arhuacos v. Colombia (ill-treatment, torture, disappearances, investigation)
- Communications no. 511/1992, 671/1995, 1023/2001, Jouni Lämsman et al. v. Finland (land rights and the right to enjoy their own culture)

- Communication no. 549/1993, Francis Hopu and Tepoaitu Bessert v. France (burial grounds, reservation by France)
- Communication no. 547/1993, Apirana Mahuika et al. v. New Zealand (fishing rights)
- Communications no. 359/1989 ; 385/1989/Rev.1, John Ballantyne and Elizabeth Davidson v. Canada ; Gordon McIntyre v. Canada (linguistic rights)
- Communication no. 221/1987 ; 323/1988, Yves Cadoret and Herve Le Bihan v. France (right to use their own language)
- Communication no. 219/1986, Dominique Guesdon v. France (right to use their own language)
- Communication no. 197/1985, Ivan Kitok v. Sweden (traditional economic activities as part of culture)
- Communication no. 167/1984, Bernard Ominayak, Chief of the Lubicon Lake Band, on behalf of The Lubicon Lake Band v. Canada (land rights, group rights)
- Communication no. 024/1977, Sandra Lovelace v. Canada (women belonging to minorities)

Reading:

- Locate, read and summarize the above-listed cases. They are all available on the UN website at "[www.ohchr.org](http://www.ohchr.org)"

## **6) Promotional Activities (2 hours):**

- Education of minority persons
- Education of the majority population
- Public awareness raising
- Technical cooperation

Reading:

- Read through the UN and ILO websites dedicated to minority and indigenous rights, with a series of relevant links, at "[www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx](http://www.ohchr.org/EN/Issues/Minorities/Pages/MinoritiesIndex.aspx)", "[www.ohchr.org/EN/Issues/IPeoples/Pages/IndigenousPeoplesIndex.aspx](http://www.ohchr.org/EN/Issues/IPeoples/Pages/IndigenousPeoplesIndex.aspx)" and "[www.ilo.org/global/topics/equality-and-discrimination/indigenous-and-tribal-peoples/lang--en/index.htm](http://www.ilo.org/global/topics/equality-and-discrimination/indigenous-and-tribal-peoples/lang--en/index.htm)"

## **7) Concluding Observations (1 hour):**

- Do minority rights make a difference?
  - Are the international standards on minority and indigenous rights good enough? If not, what can be improved?
  - Are the international monitoring procedures concerning minority and indigenous rights good enough? If not, what can be improved?
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