

Pamphlet No. 11

**THE PROTECTION OF THE RIGHTS OF MINORITIES
AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION
(UNESCO)**

Summary: UNESCO undertakes a wide range of studies, projects, technical assistance activities, and other initiatives that may be relevant to minorities in protecting their culture, religion, and education. Of particular significance is UNESCO's work in promoting education and protecting tangible and intangible cultural heritage. Members of minorities can also submit complaints under a confidential UNESCO procedure alleging that rights falling within UNESCO's mandate of education, science, culture, and communication have been violated.

What is UNESCO?

UNESCO is a specialized agency of the United Nations that was established in 1946 and now has 188 member States. The General Conference of member States is UNESCO's supreme governing body. It generally meets once every two years and, on the basis of one vote per country, approves the Organization's programme and budget. UNESCO's Executive Board is composed of 58 States and usually meets twice a year. Acting as a kind of administrative council, it prepares the work of the General Conference and is responsible for the effective execution of Conference decisions.

Much of UNESCO's work is accomplished in cooperation with various national institutions that assist in implementing UNESCO's programme. 188 member States created National Commissions composed of representatives of national educational, scientific, and cultural communities; 5,200 "associated schools" help young people form attitudes of tolerance and international understanding; and 4,800 UNESCO clubs, associations, and centres promote the organization's ideals and activities at the grassroots level. Nearly 600 non-governmental organizations (NGOs) maintain official relations with UNESCO, and about 1,200 NGOs cooperate on an occasional basis.

The main objective of UNESCO is to contribute to peace and security in the world by promoting collaboration among nations through education, science, culture, and communication. UNESCO's principal functions are:

- launching prospective studies, exploring what forms of education, science, culture, and communication will be needed in tomorrow's world
- advancing the transfer and sharing of knowledge, which relies primarily on research, training and teaching activities

- setting standards, by preparing and adopting international instruments and statutory recommendations in the fields of education, science, and culture
- providing expertise to member States, in the form of technical cooperation, for the development of policies and projects
- exchanging specialized information
- promoting human rights (through the communications procedure described below)

UNESCO and Minorities

UNESCO's major programmes focus on minorities and respect for their rights as set forth in the International Covenant on Economic, Social and Cultural Rights (1966), the UN Declaration of Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) and other relevant international instruments. In addition, there are provisions regarding the rights of minorities in other major UNESCO standard-setting instruments, some of which are discussed below. The full texts of these instruments can be found on the UNESCO web site: [www.unesco.org/human rights](http://www.unesco.org/human%20rights). In addition, UNESCO has undertaken a number of activities that address minority issues in its programmes in the areas of education, science, culture, communication, and information.

Education and Minorities

Minority communities, among the world's most disadvantaged when it comes to education, are a special focus of UNESCO's education programme. The World Education Forum, which was held in Dakar, Senegal, in April 2000, adopted the Dakar Framework of Action including minorities. Its recommendations include:

- By 2015, all children, particularly girls, children in difficult circumstances, and those belonging to ethnic minorities, should have access to free and compulsory primary education of good quality.
- Using both formal and non-formal approaches, education should meet the needs of the poor and most disadvantaged, including working children, remote rural dwellers, nomads, ethnic and linguistic minorities; those affected by conflict, HIV/AIDS, hunger, and poor health; and those with special learning needs.
- Children with special needs, including those from disadvantaged ethnic minorities, migrant populations, remote and isolated communities, and urban slums, must be included in strategies to achieve universal primary education by 2015.

The Education for All 2000 Assessment suggested a wide range of ways in which schools can respond to the needs of their pupils, including through affirmative action programmes for girls that seek to remove the obstacles to their enrolment, bilingual education for the children of ethnic minorities, and a range of imaginative and diverse approaches to engage children who are not enrolled in school.

UNESCO also is participating in the United Nations Decade for Poverty Eradication (1997-2006) by initiating a programme of education that helps eradicate poverty and

promotes literacy. One such project is Alleviating Illiteracy among Tribal and Street Children in India, in which UNESCO cooperates with the Indian Federation of UNESCO Clubs and Associations (INFUCA) that were established, in 1985, to promote literacy. INFUCA's primary activities consist in adopting village schools (45 adopted to date) and founding learning centres (140 founded to date) for illiterate adults. INFUCA now wishes to create a centre in Bangalore, Karnataka, for street children who live near the railway station and have no shelter.) INFUCA also promotes literacy among children from tribal groups who live far from schools and so do not attend often.

The MOST Programme

MOST (Management of Social Transformation) is a research programme, designed and managed by the Sector of Social Science of UNESCO, that promotes international comparative social science research. Primarily, it supports large-scale, long-term autonomous research and transfers relevant findings and data to decision-makers.

Ethnic and cultural diversity is among MOST's priority research topics. MOST focuses on the nature of change in multicultural and multiethnic societies in which issues of education, culture and religion, identity and human needs, democratic governance, conflict, and cohesion interact in complex patterns. These issues require interdisciplinary, comparative, and culturally sensitive research that may furnish information useful for the peaceful and democratic management of multicultural and multiethnic societies. This research should help in designing policies that contribute to achieving equality of citizenship rights among ethnic groups and avoiding and resolving ethnic conflict. Numerous projects have been carried out or are ongoing in Asia, the Pacific, Africa, Central Asia, and Central and Eastern Europe dealing with, among other things, the social and political aspects of international migration and growing ethno-cultural diversity. A few examples of these projects are outlined below.

Democratic Governance in a Multicultural and Multiethnic Society

At the request of the Kyrgyz government, UNESCO established a democracy-training project to introduce selected individuals from Kyrgyzstan - among them, policy-makers, legislators, judicial officials, and representatives from public and non-governmental organizations - to the functioning of democratic governance in an ethnic, linguistic, and culturally diverse State. The democracy-training project envisions close cooperation between Switzerland and Kyrgyzstan. Short-term training activities begun in 1997 are designed to lead to long-term cooperation between the two countries, which is expected to further the process of democratization in Kyrgyzstan.

Ethno-Net Africa

This is a network for comparative studies on, and monitoring and evaluation of ethnic conflicts and social change in Africa. It attempts to address ethnic issues in a more

constructive, comparative, and regional perspective, identifying common denominators and drawing lessons from experiences in specific countries and regions. One of its main objectives is to fill the existing gaps in our knowledge and understanding of issues of ethnicity and culture in order to contribute to conflict resolution and prevention. It also aims to provide appropriate solutions to policy makers in need of advice on ethnic-orientated problems. The network's main objective is to provide a better understanding of ethnic conflicts in Africa by collecting, analyzing, and disseminating information in an effort to provide an early warning system and prevent such conflicts from erupting.

Monitoring of Ethnicity, Conflicts, and Cohesion in Central and Eastern Europe and Central Asia

This project, launched in cooperation with the Institute for Conflict Research in Vienna, is aimed at developing strategies to monitor cultural, ethnic, and religious diversity in Central European countries. In the midst of state-formation, political democratization, and economic transformation, Central European societies are confronted with the (re)emergence of collective identities constructed along cultural, ethnic, and religious lines that cross State boundaries and create the potential for violent conflicts. Given the history of the Central European region, it is imperative to create context-sensitive policy models and programmes to foster cultural and social pluralism. Instead of trying to implement Western models of conflict management, this project explores existing patterns for managing diversity in the region. After in-depth interviews with ethnic and religious community leaders, political representatives, and government administrators, and secondary analyses of public opinion polls, data will be discussed and evaluated with academic experts. The pilot study of this project focuses on Slovakia, whose culturally diverse society includes traditional ethnic minorities, such as Hungarians, as well as Roma and new immigrants from Eastern Europe. The project will be extended to other Central European countries, including the Czech Republic, Hungary, and Slovenia.

MOST Clearing Houses

Ø The MOST Clearing House on Linguistic Rights

The MOST Clearing House on Linguistic Rights is designed to provide tools for legislators, decision-makers, researchers, and other representatives of both governmental and non-governmental organizations to monitor the transition to democracy in multicultural and multiethnic societies. It provides an overview of the most important international legal instruments pertaining to linguistic rights as well as a collection of constitutional provisions.

Ø The MOST Clearing House on Religious Rights

The MOST Clearing House on Religious Rights is designed to strengthen social science research on religious diversity. As shown by the political impact of religious fundamentalism and ethno-religious movements, religious difference may be an important factor in contemporary social conflict at the local, national, and international levels. At the same time, however, some religious communities have become important actors in civil society, promoting democracy, tolerance and peace.

Given these two apparently inconsistent trends, contemporary social science must analyze the dynamics of multi-religious societies and help formulate policies based on international legal standards. Therefore, the MOST Clearing House on Religious Rights is designed to provide tools for researchers, legislators, decision-makers, and NGO and religious representatives to explore problems of multi-religious societies and develop solutions to manage them.

The MOST Clearing House on Religious Rights has established a database that contains information on international instruments pertaining to the principles of non-discrimination, freedom of religion or belief, and the rights of persons belonging to religious minorities.

Ø The MOST Clearing House on Best Practices

"Best practices" are model projects or policies aimed at improving the quality of life of individuals or groups suffering from poverty or social exclusion. They are typically founded on cooperation among national or local authorities, NGOs, local communities, the private sector, and academic communities. For example, included in the database is Viet Nam's Ethnic Minority Development Data System (EMDDS). EMDDS is being developed by the Committee for Ethnic Minorities and Mountainous Areas and the Institute of Ethnology of Viet Nam. The database collects and analyzes data of value to both the government and local communities. EMDDS encourages the people themselves to contribute to the database. Communities use the data, including maps, ideas and analyses, as a basis for decision-making and planning their own lives. The government uses the data to determine the content and implementation of development activities.

Many of the above projects involve governments, scholars, and policy-makers; involvement by the minority and ethnic communities affected also is crucial. Further information can be found from the contacts below or from the National Commission for UNESCO in your State.

UNESCO-MOST Secretariat
Sector of Social and Human Sciences
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Fax: + 33 1 45-68-57-24
web site: www.unesco.org/most

Cultural Heritage and Minorities

Cultural Heritage

According to the World Heritage Convention (1972), "cultural heritage" is a monument, group of buildings, or site of historical, aesthetic, archaeological, scientific, ethnological or anthropological value. "Natural heritage" designates outstanding physical, biological, and geological features, such as habitats of threatened plants or animal species and areas that have scientific or aesthetic value or that are important from the point of view of conservation. Each country that ratifies the Convention pledges to conserve the sites situated on its territory, some of which

may be recognized as World Heritage. Their preservation for future generations then becomes a responsibility shared by the international community as a whole.

The Convention is overseen by the World Heritage Committee, which meets annually, usually in December, to discuss all matters related to the implementation of the Convention. It also decides on the inscription of new sites on the World Heritage List.

Some of the natural or cultural sites included in the World Heritage List are located in regions where minority communities live, such as the Asian Rice Culture and Terraced Landscapes of the Ifugao in the Philippines and the Old Town of Lijiang of the Naxi in China. UNESCO encourages minority communities to participate in identifying natural or cultural sites that might be nominated by their government for inscription on the World Heritage List.

For further information, contact:
World Heritage Center
UNESCO
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75352 Paris 07SP
France
fax: +33 1 45-68-55-70
email: whc-info@unesco.org
web site: www.unesco.org/whc

Intangible Cultural Heritage

UNESCO has protected minorities and other forms of “intangible cultural heritage” since 1989, pursuant to the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore. The International Round Table on Intangible Cultural Heritage - Working Definitions, organized by UNESCO in 2001, revised the working definition of intangible cultural heritage in order to develop a future international instrument. Intangible cultural heritage includes oral cultural heritage, languages, performing arts and festive events, social rituals and practices, knowledge systems, and beliefs and practices about nature. The transmission of intangible cultural heritage is modified with the passage of time by a process of collective re-creation. For many cultures, and for minority and indigenous populations in particular, intangible cultural heritage is an essential source of identity.

Since UNESCO launched the Safeguarding and Promotion of Intangible Heritage programme in 1993, a large number of activities covering different aspects of the intangible cultural heritage of minorities in Asia, Africa, and the Pacific has been undertaken; some are still in progress. Meanwhile, the Organization is conducting a feasibility study on the elaboration of a new standard-setting instrument to protect intangible cultural heritage.

For further information, contact:

Intangible Cultural Heritage Section
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web site: www.unesco.org/culture/heritage/intangible

UNESCO and Human Rights

Most of UNESCO's human rights work is promotional rather than protective; but in 1978 the Executive Board of UNESCO created a procedure for the examination of communications (complaints) received by UNESCO concerning alleged violations of human rights. The procedure is confidential and extends only to human rights violations within UNESCO's fields of competence, namely education, science, culture, and information. This procedure is set out in 104 EX/Decision 3.3 of the Executive Board and is available on UNESCO's website at www.unesco.org.

Who May Submit a Communication?

Individuals, groups of individuals, and NGOs may submit communications to UNESCO concerning violations of human rights, whether the authors of these communications are themselves victims or whether they only have "reliable knowledge" of such violations. In theory, a complaint may be filed against any country; in practice, communications will be considered against any country that is a member of UNESCO.

The communication should be sent to:

Director of the Office of International Standards and Legal Affairs
UNESCO
7 place de Fontenoy
75352 Paris 07
SP France

An initial letter should contain a concise statement of the allegations. It must be signed and drafted in one of the Organization's working languages (English or French). Following this, the UNESCO Secretariat will send the author of the letter a form to be completed, which constitutes the formal communication and will be transmitted to the government concerned. A copy of the form also may be completed and attached to the initial letter.

Which Rights Fall within UNESCO's Competence?

The rights that most clearly fall within UNESCO's competence are the following (each article mentioned below refers to the Universal Declaration of Human Rights):

- the right to education (Article 26)
- the right to share in scientific advancement (Article 27)
- the right to participate freely in cultural life (Article 27)
- the right to information, including freedom of opinion and expression (Article 19)

In addition, other rights naturally follow from these core rights:

- the right to freedom of thought, conscience and religion (Article 18)
- the right to seek, receive and impart information and ideas through any media and regardless of frontiers (Article 19)
- the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production (Article 27)
- the right to freedom of assembly and association (Article 20) when exercised in connection with education, science, culture, or information

Many of the concerns of minorities are directly related to issues of language, culture, and education, and it should be relatively easy to demonstrate that such issues fall within UNESCO's jurisdiction.

How are the Communications Examined?

Complaints are examined in private by the Committee on Conventions and Recommendations of the Executive Board, which is composed of government representatives and generally meets twice yearly, in spring and autumn, namely in May and November, during Executive Board sessions. A communication should be received by UNESCO at least two months in advance of the committee's sessions to ensure that there is sufficient time for it to be forwarded to the government concerned for a response and placed on the committee's agenda.

As with most other international human rights procedures, the committee first examines the admissibility of a complaint. There are ten conditions governing admissibility (set out in paragraph 14(a) of Decision 104 EX/3.3), and all must be fulfilled. Thus, for a communication to be admissible, it must meet the following conditions:

- it must not be anonymous
- it must not be manifestly ill-founded and must appear to contain relevant evidence
- it must be neither offensive nor an abuse of the right to submit communications
- it must not be based exclusively on information disseminated through the mass media (although it may be based in part on such information)
- the communication must be submitted within a reasonable time-limit following the facts on which it is based or within a reasonable time-limit after the facts have become known
- it must indicate whether an attempt has been made to exhaust available domestic remedies (Although a literal reading of this requirement would not seem to require that the complainant attempt to exhaust remedies, this is not the case, the communication must indicate whether an attempt has been made to exhaust available domestic remedies with regard to the facts which constitute the subject-matter of the communication and the result of such an attempt, if any, and you should indicate either how you have exhausted available domestic or why they are inadequate).

Once a communication has been declared admissible, the Committee normally examines the substance of the allegations at its next session. Sometimes issues of admissibility and the merits may be joined together. The author of the communication is normally sent a summary of any written response the government may make, and comments on that response will be included in the file.

When the Committee examines the communication, the government concerned is invited to provide information or answer questions asked by members of the Committee on either the admissibility or the merits of that communication. Paragraph 14(g) of the Decision allows the Committee "in exceptional circumstances" to request permission from the UNESCO Executive Board also to hear "other qualified persons", which presumably could include the author of the communication. However, to date the Committee has not made use of this provision.

Since the Committee is not an international tribunal, it tries to resolve the problem in a spirit of cooperation, dialogue, and mutual understanding. The goal is to achieve a mutually satisfactory settlement, not simply to decide whether or not a violation has occurred. The Committee submits a confidential report to the Executive Board on each communication considered, including any decisions or recommendations it may make; the author and the government concerned are also informed of the Committee's decisions. The Committee's decisions are not subject to appeal, but a communication may be re-examined if the Committee receives additional information or new relevant facts. The Committee's decisions are not published or publicly reported.

Urgent Cases

The Director General of UNESCO has long enjoyed a right of intercession vested in him by the General Conference, in particular in 19C/Resolution 12.1. It is thus possible for the Director General personally to make humanitarian representations on behalf of persons who have allegedly been victims of human rights violations in UNESCO's fields of competence and whose cases call for urgent consideration. Paragraphs 8 and 9 of 104 EX/Decision 3.3 recognize the role played by the Director-General in this regard.

"Cases" and "Questions"

Paragraph 10 of the Decision distinguishes between "cases" of individual violations of human rights and "questions of massive, systematic or flagrant violations", such as aggression, colonialism, genocide, or racism. While many communications have been submitted to UNESCO alleging the existence of such systematic violations, none has thus far been dealt with under the "question" mechanism. If, after a full examination of the merits, the Committee forwards a "question" to the Board, then the situation would be examined in public by the Board and the General Conference. To date, however, no such action has been taken by the Committee, and you are probably best advised to submit even serious or widespread violations of human rights to UNESCO as a series of individual "cases".

Impact of the Procedure

Fewer than 500 communications were considered under the UNESCO procedure in the first twenty years of its existence. While many human rights NGOs have criticized the secrecy and slowness of the procedure, the Committee's quiet diplomatic approach

has, in fact, resulted in satisfactory results for many applicants. Given the fact that at least some issues of particular concern to minorities may lend themselves to mediation and conciliation, minority rights advocates should not ignore UNESCO when they seek protection for their cultural, linguistic, and educational rights.