

Forum on Minority Issues  
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On the theme: "Participation of minorities in economic life"

Presentation and recommendations by Professor Azzouz KERDOUN, representative of the Committee on Economic, Social and Cultural Rights to the Forum.

#### Keynote presentation

The International Covenant on Economic, Social and Cultural Rights confirms in its provisions the right for anyone, including those belonging to ethnic minorities, to fully enjoy the economic, social, and cultural rights. Also, the protection of the rights of ethnic minorities must be ensured for all, and the national governments of States must ensure that minorities enjoy the fundamental rights to equality, both in legal texts and in the society at large.

The contribution of the Committee on Economic, Social and Cultural Rights to the realization of minority rights and their effective participation in economic life is part of its mission within the framework of the International Covenant of which it monitors the implementation of the provisions by the State Parties, by periodically examining reports it receives. To this end, the Committee emphasizes the rights of minorities by insisting on their participation in the economic, political, and social life in the countries where they reside.

Indeed, it is through the active participation of minority groups in public life that we can avoid problems, so that they do not degenerate into conflicts, particularly in multiethnic and multicultural states.

The Committee on Economic, Social and Cultural Rights through its different sessions, constantly draws attention to the economic problems that minorities face, which can cause the explosion of ethnic conflicts. Further, it recognizes that the realization of economic, social and cultural rights and the right to development is of major importance in preventing ethnic or racial conflicts within a country where ethnic minorities live. The committee encourages the full participation in the economic life of persons belonging to minorities, following the affirmation in the Declaration of the rights of persons belonging to ethnic, religious, and linguistic minorities.

When examining the reports of the State Parties, the Committee on Economic, Social, and Cultural Rights never fails to challenge the delegations at the time of the presentation of their reports on the place reserved for persons belonging to minorities and their participation in economic life, whether in terms of job search, or to participate in economic development projects or large scale commercial activities for which they have been consulted beforehand.

#### Recommendations

- The Committee on Economic, Social, and Cultural Rights continues to recommend that the State Parties respect the rights of minorities in the matters of the rights to work, the

right to education, the right to health and an adequate standard of living, which are provisions in the International Covenant on Economic, Social, and Cultural Rights. It constantly asks that these elements guarantee the right of minorities to an effective participation to the economic life.

- The Committee is also involved in the recognition of the full and entire participation in economic life by recommending to State Parties to institute the implementation of article 6, paragraph 2 of the Covenant on the right to work, as prerequisite for the enjoyments of political and economic freedoms.

- The Committee also recommends the implementation of the right to entitlement of social security according to article 9 of the Covenant, relying for this on its observation n° 19 in which it insists on the strengthening of the effective participation of minorities in economic life and their full enjoyment of all the economic, social, and cultural rights as they ensue from the International Covenant on Economic, Social, and Cultural Rights of 1966.

- Thanks to its conclusions, its observations, and its recommendations, the Committee on ESCR is one of the most active body for the defense of the rights of minorities. In this regard, it recommends other human rights instances to insist on the protection and the promotion of the rights of minorities, in particular those about the economic and social rights indispensable for a real participation in the economic life of all of the citizens.

- States must take positive measures including: legislation providing higher maximum penalties for racial motivation; ethnic monitoring to determine the number of persons belonging to a specific national ethnic group who perform different types of work, the establishment of institutions specialised in the defense of human rights and the appointment of mediators seeking to guarantee ethnic and racial equality.

- Within the United Nations system, the responsibility concerning minorities and the promotion of their rights is shared by the Council of Human rights, the Committee on the Elimination of Racial Discrimination, and the Committee on Economic, Social, and Cultural rights. These bodies play an important role in alerting governments, if need be, to prevent problems and to identify cases where the legal basis for defining and criminalizing all forms of discrimination against minorities is not sufficient.

- The Committee on Economic, Social, and Cultural Rights recommends decision-making bodies on human rights to ensure a broad protection of minorities in order to meet the challenge of promoting cultural diversity and the values of the various ethnic groups; to combat social, economic, and political exclusion; and to respect the rights of all ethnic groups in terms of development in accordance with the fundamental rights developed in international law. All these measures lead to the protection and promotion of human rights and to the effective participation in public affairs. By participating in all aspects of public life, minorities can both control their own destiny, and contribute to the political evolution of the society as a whole.

- The Committee insists on taking into account the right of minorities to participation, as instruments of international law relating to the right to participation provide for the adoption of legal and other measures including:
- to ensure that persons belonging to minorities can take effective part in decisions that affect them or the region where they live;
- to ensure the participation of persons belonging to minorities in cultural, religious, social, economic, and political life;
- to ensure their full participation in the progress and the economic development of their country.

The rights to participation are collective, and for them to be realized, they must be granted to groups. Two solutions are possible: the solution to integrate, which enables minorities to participate in public life and ensures their representation within the same State institutions, or the 'autonomist' solution, which enables minorities to participate at the margins of State institutions, in one of more facets of life of the State by forming a group in order to dialogue with the government, or an autonomy, which then enables minorities to come together under their own entity with its own self-governance authority.

- Without any doubts, the recognition of the right of minorities to participate fully and effectively in the economic progress and in the development of their country, by involving them in the decision-making processes that concern the projects and programs that affect them, would be a remarkable advance in the field of human rights and could give minorities a true place in the world order and encourage them to positively exert their influence as citizens of the world.

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