



SWITZERLAND

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Article 27 ICCPR as well as article 30 CRC and the 1992 Declaration have laid down the foundations for the protection and promotion of the rights of minorities. The rights of persons belonging to minorities are an integral part of international human rights law. States Parties have thus also a triple level of obligation when it comes to minorities' rights : their authorities have indeed to respect the rights of persons belonging to minorities as well as to protect these rights on the horizontal level and to fulfill/provide for/realize these rights.

Under REC 18, we would like to draw the attention to 3 important core principles that can actually be subsumed under the Declaration. These 3 principles should be respected by States, but they represent a real challenge and a problem for many of our States :

- the principle of non- discrimination means the persons belonging to a minority shall not be discriminated in the full and effective exercise of all their HR on the grounds that they belong to a minority (art. 4.1)
- the principle of non- exclusion means the right to physical existence of the minority as such is ensured and its members shall not be isolated from the majority of the population nor marginalized or ghetto-ised. Consequently they have the right to participate effectively in cultural, religious, social, economic and public life (art. 2.2), as well as in decisions on the national and regional levels concerning the minority to which they belong or concerning the region where they live (art. 2.3). The majority of the population should have knowledge of the history, traditions, language and culture of the minorities living on the same territory and of persons belonging to minorities. On the other hand, they also should gain knowledge of the society of the country as a whole (art. 4.4), so multicultural education as well as intercultural education is of the essence.
- the principle of non- assimilation. This principle doesn't exclude the integration of a minority in the society of the home State provided that the distinctive national or ethnic, cultural, religious

and linguistic characteristics of the said minority are safeguarded. The States authorities have the obligation to create favorable conditions to enable them to express their characteristics and to develop their culture, religion, language, traditions and customs (art. 4.2) as well as to learn their mother tongue and to be taught in their mother tongue (art. 4.3). The persons belonging to minorities have the right to establish their own associations and to have contacts across frontiers with related minorities (art. 2.5).

I'd like to make a very last point on Art. 2.2 of the Declaration : despite the fact this provision doesn't unfortunately mention the right of persons belonging to minorities to participate in "political life" as such, one can infer such a right to participate in "political life" from their right to participate in "public life", as recognized in this article.