

# DOWNLOAD PDF MINORITY RIGHTS: NORMS AND INSTITUTIONS

## GUDMUNDUR ALFREDSSON.

### Chapter 1 : Gudmundur Alfredsson

*Author: ALFREDSSON, Gudmundur Date: Citation: Kevin BOYLE (ed.), New Institutions for Human Rights Protection, , Oxford, Oxford University Press, , Collected Courses of the Academy of European Law, XVIII/2,*

Since the s, the international community has been paying increased attention to the protection and promotion of national, ethnic, religious and linguistic minorities. Nonetheless, discrimination and marginalisation continue all over the world. Recent publications assess the situation and propose measures to improve things. Members of minorities are affected disproportionately by poverty and unemployment, according to national and international statistics as well as reports by the United Nations and non-governmental organisations NGOs. If they have access to health care, education and decent accommodation at all, such access is only limited. In too many cases, they are excluded from societal life and have no political voice. Along with a brief outline of the history of international protection of minorities, both publications give the reader a profound insight into the principles of international law relating to minorities. Like all people everywhere, members of minorities have a right not to be discriminated against. Their human rights are enshrined in diverse treaties and need to be observed. Some of those treaties, such as the International Covenant on Civil and Political Rights, contain minority-specific standards, albeit only vague ones. Moreover, there are many instruments and declarations at international and regional level that are concerned specifically with minority rights. Both Henrard and Alfredsson examine what role existing human rights instruments play in protecting and promoting minority rights. The authors also highlight shortcomings. They then flag up the long-running controversial debate on whether there are human rights that should be granted only to minorities and not to humanity as a whole. Causes of hate crime The London-based NGO Minority Rights Group International is one of the few organisations at international level that is dedicated exclusively to championing the rights of ethnic, religious and linguistic minorities. The series provides an overview of the current situation of minorities and indigenous peoples worldwide based on official figures and studies. The most recent report looks at the causes, manifestations and severity of hate crime and hate speech towards minorities and indigenous peoples in all parts of the world. The authors demand that governments take steps to protect minorities. For instance, the report contains far-ranging recommendations and describes promising models of how civil society and state action can help to dismantle hatred and promote social diversity in individual countries. As reasons for the failure, the report cites failure to consider or involve minorities in the implementation of the goals. She supports her analysis with data and statistics wherever possible and shows what a devastating effect the combination of inequality, poverty and discrimination has. The report is an appeal to all governmental development actors to involve minorities in drafting future development goals and strategies. Moreover, it emphasises the immense importance of improving data collection and differentiating more clearly between minorities. The target group is primarily UN staff, but the guide is definitely relevant for other development actors as well. It is based on all international legislation relating to minority rights. At its core are checklists and advice on how individual rights such as access to basic services and decent work, freedom of assembly and association, and participation can be protected and guaranteed in development programmes. The guide pays special attention to the situation of specific minority groups. It contains guidelines for action relating to religious minorities as well as to women and girls from disadvantaged minority groups. The latter are often victims of multiple discrimination “because of their gender and their minority status. Civil society plays an important part in monitoring and promoting human rights. The publication is intended to serve those working as minority-rights promoters and defenders. It provides a comprehensive overview of international and regional institutions and organisations concerned with minority rights. It contains detailed information about existing mechanisms, processes and forums and shows how they can be used by civil-society actors to draw attention to the plight of minorities and thus help improve their situation.

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*This chapter outlines and analyses the main human rights and minority rights instruments that have been adopted by a range of international and regional organizations; presents an overview of.*

As with other peace and minority treaties concluded in the inter-war years, these two treaties were part of an effort under the auspices of the League of Nations to protect vulnerable minorities and, by extension, to ensure peace in Europe. The effort foresaw extensive measures of national protection in the countries concerned as well as international monitoring Minority Protection System between World War I and World War II. As to Upper Silesia, a plebiscite was held in to determine whether it should form part of Germany or Poland. The overall results of the plebiscite were favourable to Germany, but a different outcome in the easternmost part of Upper Silesia, economic considerations, and an armed uprising of the Poles in prompted the League of Nations to agree to a partition of the territory, with a large part passing over to Poland. It was concluded under the auspices of the League and again contained detailed provisions about the rights of the German minority. Under this treaty, petitions by individuals and groups submitted to the League of Nations were dealt with by the Minorities Office of the Secretariat and the Upper Silesian Mixed Commission before they could be referred to the League Council. The last-mentioned item has been quoted as the first instance when individuals and groups were empowered to complain about alleged human rights violations by States to an international instance see Kaeckenbeeck “ The contents, the group rights element, and the availability of dispute settlement procedures were in many instances more far-reaching than current standards and procedures adopted by intergovernmental organizations in the modern era. The stated purpose of the inter-war treaties in terms of avoiding violent conflict reminds the reader of the linkage between minority rights and security as adopted by the Organization for Security and Co-operation in Europe OSCE while other global and regional organizations have mostly relied on an individualistic human rights approach see also Confidence-Building Measures ; Conflict Prevention ; Minorities, European Protection. Admittedly, the adoption of the inter-war treaties was facilitated by the fact that the said treaties came into being in special circumstances and they were restricted to a few countries in Central and Eastern Europe, meaning the arrangements were not universal in character. This was clearly a shortcoming, as was the weakness of the League of Nations and the lack of political will among its Member States. That does not come as a surprise since governments, then and now, remain reluctant partners when it comes to minority rights. Furthermore, the positive aspects, eg substance, group rights, and international petitions, as well as shortcomings, eg lack of universality, should in many ways constitute lessons and encouragement and inspiration for a more assertive protection of minority rights in modern times. With the current emphasis on the prevention of violent ethnic and religious conflicts, as well as the elimination of discrimination against individuals on the basis of national or ethnic origin, language or religion, these lessons could be worthwhile. Some details follow in Arts 20 “ Again, this Polish “German treaty would seem to fall short of the inter-war commitments, like on group rights and access to justice. Furthermore, as with many other bilateral treaties with minority rights clauses concluded in Central and Eastern Europe during the late 20th century, they seem to amount to policy statements lacking in legal or even political follow-up mechanisms. The applicants alleged a breach of Art. The State could legitimately stop the registration of an association that was set up in a manner leading to a special status under the elections law. It is an interesting question whether, while keeping in mind that the applicable treaties are very different, the results would have been the same during the League of Nations period.

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*- "Minority Rights: Norms and Institutions" in Kevin Boyle (editor), New Institutions for Human Rights Protection, Oxford: Oxford University Press, , pp. ; - "The Integration of Human Rights in Legal Education and other Academic.*

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*New Institutions for Human Rights Gudmundur Alfredsson maps the norms and institutions for the protection and promotion of minority rights. His.*