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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination  
and Protection of Minorities  
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PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS  
AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

PREVENTION OF DISCRIMINATION AND PROTECTION  
OF MINORITIES

Written statement submitted by the Baha'i International Community a  
non-governmental organization in consultative status (category II)

The Bahá'í International Community welcomes the report prepared by Mr. Jules Deschênes on the question of a definition of the term "minority", submitted to the Sub-Commission in response to the request of the Commission on Human Rights contained in Commission resolution 1984/64. We believe that Mr. Deschênes' report represents an important contribution to facilitating the work of the working group established by the Commission to elaborate a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. We wholeheartedly support the efforts of this working group, since, in the Bahá'í view, it is essential that the rights of minorities be not only firmly protected but also actively promoted, in order that members of minorities can make their fullest contribution to the societies in which they live.

In the present statement, we would like to offer our views on the specific question of a definition of the term "minority". It is evident that the question of defining the term "minority" is of great importance, for in order that the draft declaration may have the most effective impact, it must clearly define who is entitled to enjoy the rights it sets forth.

An approach to the question of defining the term "minority" should be guided, in the view of the Bahá'í International Community, by two main considerations. First, the definition itself should be broad enough to ensure that it does not unnecessarily restrict the application of the declaration since the most important goal, of course, is to ensure the effective and equal enjoyment of human rights to members of all minority groups regardless of the specific characteristics of these groups. Second, it would be useful if the definition were supported by a paragraph in the preamble to the declaration outlining the specific problems experienced by members of many minorities, problems which the declaration should seek to address.

In view of these considerations, we would like to propose the following definition of the term "minority" which we feel meets the criterion of non-restrictiveness:

"For the purposes of this declaration, a minority shall be considered to be a group within a State whose members possess national, ethnic, religious, linguistic or other characteristics which are distinctive and clearly differ from those of the majority of the population."

With regard to our suggestion concerning an addition to the preamble, we have proposed to the Commission that such an additional preambular paragraph could read as follows: "Recognizing that many minority groups have suffered and continue to suffer discrimination on the grounds of their national, ethnic, religious or other characteristics and that many also possess a distinctive culture or common way of life which may often be suppressed,..."

We feel that taken together, this preambular paragraph and the definition itself would convey the intent of the declaration to protect groups which suffer discrimination and which enjoy a distinctive culture or common way of life and at the same time would ensure that the application of the declaration would be as broad as possible.