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RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

Note by the Secretariat

Addendum

The present document contains a communication submitted by the Government of Canada.

CANADA

[23 January 1984]

[Original: English and French]

The Government of Canada is in favour of the adoption by the General Assembly of the United Nations of a declaration on the rights of persons belonging to ethnic, religious or linguistic minorities.

Even if many of the principles which could be incorporated in such a declaration are already enunciated in various documents adopted by the General Assembly, mainly in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights, in the International Convention on the Elimination of All Forms of Racial Discrimination, and in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, it is appropriate to further clarify these principles and to elaborate a declaration which would guide States in the effective recognition of these rights and in the adoption of measures aimed at ensuring their implementation. The adoption of such a declaration is particularly important in regard to groups and minorities that are disadvantaged or otherwise the object of prejudice and discrimination.

As Canada is a multicultural society, inhabited by people of numerous different ethnic, religious and linguistic affiliations, such a declaration is of particular interest to our country.

Moreover, numerous measures, legislative and other, have already been adopted by the Government of Canada and by the governments of the provinces and territories, to facilitate the enjoyment of their rights by members of such groups, and to eliminate any discrimination affecting them. For example, the Canadian Charter of Rights and Freedoms, as well as federal and provincial human rights laws, contain guarantees for the rights of persons who belong to such groups; in addition, the Canadian

Government and many provincial governments have created multiculturalism programmes to assist ethno-cultural groups in maintaining their cultural traditions.

The draft declaration under review, based on the initial proposal of the Government of Yugoslavia, as modified by the working group established by the Commission on Human Rights, is a good starting point. While the draft contains the principal elements that should be addressed, there are certain difficulties that could benefit from revisions to the text.

It is recalled that this project has followed the study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities undertaken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1971 and that the decision to proceed with the elaboration of a draft declaration was taken on the basis of the excellent report submitted to the Sub-Commission in 1977 by its Special Rapporteur, Mr. Francesco Capotorti.

In his study, the Special Rapporteur mentioned a number of difficulties in drafting the Convention, in particular those related to the definition of the concept of "minority".

In Canada, the term "minority" sometimes carries a negative connotation for the groups to which it is applied. To avoid such a negative connotation, it would be appropriate to find an alternative term or to define the term "minority" in the declaration in a positive manner.

The Special Rapporteur attempted to provide such a definition for incorporation in the declaration. We would suggest a refinement of the definition offered by the Special Rapporteur in paragraph 568 of his report, removing the words "inferior to" and "rest" and replacing them with "smaller than the sum" and "others" so that the definition would read as follows:

"A group numerically smaller than the sum of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of others of the population and show, if only implicitly, a sense of solidarity directed towards preserving their culture, traditions, religion or language".