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

Comments received from Governments pursuant to
Commission resolution 14 A (XXXIV)

ADDENDUM

Reply received from the Government of the Federal Republic of Germany.

GERMANY, FEDERAL REPUBLIC OF

8 February 1979
Original: English

Replying to the Note from the Secretary General of the United Nations dated 8 May 1978, ref. G/SO 234 (19-1-3), the Government of the Federal Republic of Germany submits the following comments on the subject of a declaration on the rights of minorities, in particular the draft declaration proposed by Yugoslavia on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/L.1367/Rev.1).

- (1) The rights of minorities are a matter of importance to the Government of the Federal Republic of Germany which has made it the aim of its policies to contribute to the realization of human rights in all parts of the world. The prerequisite for true democracy is that individuals and minorities are not unprotected and at the mercy of the Government elected by the majority. In a pluralistic society where the whole nation is involved in the political process it is not only majorities that count. Minorities, too, must be able to find and hold their place in the community. Moreover, free democracy not only means a real opportunity for political minorities to become a majority at some time; it also affords protection and a right of co-determination to such minorities as have no chance or desire to become a majority.

Human rights and fundamental freedoms oblige each State to exercise tolerance and neutrality towards individuals as well as groups to be regarded as minorities in specific spheres.

We are indebted to the Government of the Socialist Federal Republic of Yugoslavia for submitting a draft declaration on the rights of minorities and thereby providing a renewed impetus for a detailed examination and discussion of the problem of how the protection of minorities can be made "even more effective" (paragraph 4 of the preamble of the draft declaration). Particular emphasis should be placed on the idea contained in Article 3 of the Yugoslav draft declaration which goes beyond the classical legal guarantees for minorities and requires States not only to ensure fundamental freedoms but also to take concrete action:

" to take measures which will enable them" (minorities) "freely to express their characteristics, to develop their culture, education, language, traditions and customs and to participate on an equitable basis in the cultural, social, economic and political life of the country in which they live."

This could be seen as the basis for effective improvements for individuals. The efforts must be directed at the better protection of the basic rights of individuals belonging to minorities.

- (2) The preamble of the Yugoslav draft declaration rightly points out that a number of international instruments already deal with the rights of minorities and entail corresponding obligations for the Contracting States.