

# Change for Peace Fellowship

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### **Introduction**

The term "minority" began to emerge from the case of the Greco-Bulgarian Communities. The court defined minority as a group of persons living in a given country or locality, having a race, religion, language and traditions of their own, and united by the identity of such race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, securing the instruction and upbringing of their children in accordance with the spirit and traditions of their race, and mutually assisting one another. Greco-Bulgarian Communities, PCIJ Series B, No. 17, 1930. Moreover, minorities are those sect of people who are less in number and evidently stand distinct and unique from the majority. In addition, minorities are not just about numbers, for example, there are more women than men, and if women lose the rights they deserve, they are minorities.

Minority Rights are the normal individual rights as applied to member of racial, ethnic, class, religious, linguistics or gender and sexual minorities, and also the collective rights accorded to any minority group. Minorities are groups that have disempower in society. There are some major problems of minority such as discrimination, threat to identity, exclusion from power, oppression and persecution, etc. For instance, Myanmar's diverse ethnic minorities have had a long and dismal history. While the issue calls for dialogue and reform, the authorities can only take small steps towards their positive intentions. Ethnicity and conflict are inextricably linked in Myanmar, perpetuating a vicious cycle of violence. Therefore, they must have the right to balanced enjoyment of human rights in a society. Moreover, safeguards are needed to protect minority communities against the possibility of being culturally dominated by the majority. And the constitution needs to provide these safeguards because it is committed to protecting cultural diversity and promoting equality as well as justice. Minority Rights are ensuring that any differential treatment towards groups or persons belonging to such groups does not mask discriminatory practices and policies. Therefore, positive action is needed to respect culture, religious and linguistic diversity and to recognize that minority societies are enriched through this diversity.

### **Minority Rights under International Law**

There are four major rights of minority protection in the Constitution and International Law.

- **Right to physical existence:** Right to existence here is view in terms of protection against of genocide. The right to existence is paramount to other rights. The 1948 Genocide Convention prohibits the physical or biological destruction of national, ethnic, religious or racial groups. In Myanmar, a Muslim minority group, the Rohingya have faced persecution and waves of mass killing at the hands of Burmese military and other authorities. But they are still awaiting justice and protection of their rights. Therefore, Myanmar is still necessary to further promote the right to physical existence.
- **Right to enjoy one's own culture:** Cultural rights are safeguarded in most human rights instruments. For example, in UDHR Art.27 - everyone has the right freely to participate in

the cultural life of the Community. In ICESCR Art.15 - the right of everyone to take part in cultural life. In ICCPR Art.27 - rights of people belonging to minorities to enjoy their own culture. Myanmar has not signed ICCPR however it had signed ICESCR in July 2015. But effective implementation is still needed. It would be better if the articles in the above contracts were added to the constitution and enacted and implemented.

- **Right to profess and practice religion:** Historically, the protection of religious freedom preceded the protection of other rights. Article 18 of UDHR guarantees everyone the right to freedom of thought, conscience and religion. The right also includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. In Article 348 of the Myanmar's 2008 Constitution, the Constitution further stipulates under section 348 that the Union shall not discriminate against any citizen of Myanmar based on race, birth, religion, official position, status, culture, sex, or wealth. However discrimination still exists today on different religions and their status.
- **The Right to use one's own language:** The right to use one's own language is a major aspect of minority rights. In many states minorities speak languages different from that of the dominant group and often face difficulties in using their language in the public sphere. Article 27 of ICCPR provides that individuals belonging to a minority may use their language amongst themselves. When the military seized power in 1962, the regime adopted Burmese as the official national language. Ethnic language teaching was banned in public schools for four decades in Myanmar. The right of ethnic minorities to use their mother tongue has been neglected in the educational, social, and economic sectors until today. Therefore, the right to use one's own language should be enshrined clearly in the constitution.

The government has systematically excluded and marginalized those who cannot claim and prove Bamar (Burmese) ethnicity, and has long engaged in a widespread policy of Burmanisation that discounts. It's also a fact that minorities have suffered discrimination, forced assimilation and even genocidal attacks and all that still continue to take place today in many states. States, therefore, are required to take special measures to preserve the existence and identity of minorities. Minority Rights are also necessary to achieve the goal of substantive equality as opposed to formal or legal equality. The protection of minority rights also contributes to the political and social stability of the state. Special measures are needed to ensure that minorities enjoy the same rights and benefits as the rest of the population. Therefore, minority rights help all members of society to enjoy human rights equally and fairly. In other words, their purpose is to achieve effective equality between ethnic minorities and the majority. In this case, the promotion of equal rights at all levels for people belonging to national minorities is particularly important.

## **Marginalized Minority Groups**

### **India**

Majority rule is a system in which the people freely make political decisions by voting for representatives. The representatives who represent the will of the people are the ones who get the most votes. Minority rights are rights that are guaranteed to everyone, even if they are not a part of the majority. The Constitution guarantees that the minority will trust the will of the majority, and that the majority will respect the will of the minority when making decisions that affect everyone. However, in practice, this system may be flawed as in the Indian democracy as well as in many other countries. As an example, the poverty rate of India Muslims are 43%, and the national average is 39% (National Sample Survey Organisation, 1999–2000). In urban areas, 60 percent of Muslims have never attended school and only 5 percent of Muslim women complete higher education. For India Muslims, the constitutional safeguards are not granted as the same as other tribes in employment and education. Muslims are significantly underrepresented in civic and higher education institutions in India. Therefore, even in a country with a strong democratic system, it happens the majority representation is strong and the significant minorities are neglected.

### **Ethiopia**

Ethiopia has a complex political landscape with different political beliefs and divisions. Overall, there has been progress towards democratic governance in Ethiopia, but there are still challenges related to ethnic unrest and political tensions that need to be addressed positively. Currently, there are many conflicts and security challenges in various parts of Ethiopia. There were also widespread atrocities in Ethiopia, including massacres, sexual violence, and the forced displacement of civilians against Ethiopia's minorities. The conflict has displaced an estimated two million people, and food shortages and lack of access to health care have created a humanitarian crisis. In addition, other conflicts are taking place across the country between different ethnic groups over resources such as land and water. Basically, Ethiopia has made progress in some areas towards democratization and political reform, but still faces significant security challenges related to internal conflicts. All stakeholders must respect human rights and minority rights. It is important to find peaceful solutions to promote inclusive governance and ensure sustainable development for all Ethiopians.

### **Myanmar and Minorities**

In Myanmar, where Union ethnic groups live together, minority rights should be effectively protected as well. There are still some ethnic minorities who still have weaker education, economic and social aspects than the majority have in Myanmar. Some are still being discriminated against due to their different religions, languages and appearances. Moreover, throughout the history of Myanmar, we have tried many times to implement the minority rights, however why has not been implemented until now? What are the obstacles? There are three points of view. Firstly, power and authority are based on ethnicity. Under the oppression of the Burmese people, the ethnic groups are being discriminated against. Clearly, due to Burmanization, ethnic minorities are losing the rights that they deserve. The second thing is because of people's ego and greed. Diversities and equality are being ignored and marginalized. That's why the reason is arrogance, then it became

marginalization, then marginalization to bigotry. If a state obtains a natural resource, it is a specific powerful group that benefits from the resource, and in fact, only a minority of the local population suffers from the negative effects of the resource. Finally, it's also necessary just to change the perspective of a country's history. Historically, all can see only how to build a State and struggles but the thing is the sufferings of the minorities are ignored. Therefore, the rights of minorities, which have been neglected for many years, need to be realized from now on with collective strength.

### **Implementation process**

Minority rights have been violated in Myanmar for decades. Rights related to minorities should be carefully defined in law. Not only that, but the implementation process must also be effectively implemented. Here are some of the suggestions for implementation process as follows;

- **Enforce existing laws:** Even though there are various laws and provisions to protect minority rights, these laws need to be effectively implemented to protect people's rights.
- **Raising awareness:** It is important to educate people about the importance of minority rights and how they are protected under the law. This will create a more positive and tolerant society that respects and values diversity.
- **Empowering minority communities:** The government needs to provide opportunities and resources to minority communities, such as education and employment opportunities, so that they can fully participate in society and the economy.
- **Tackling Discrimination:** Discrimination against minorities is a pervasive problem. The government needs to take a strong stance against discrimination and make it clear that such behavior will not be tolerated.
- **Making open and honest dialogue between communities:** Open and honest discussion between different groups is essential to promote understanding and reduce tension. The government should encourage dialogue between different communities to promote peaceful coexistence.

Moreover, in 1992, the National Commission on Minorities was enacted by Parliament and the Commission on Minorities was established. NCM Act; 1992 applies to the whole of India. The functions and responsibilities of the Commission are related to the six minority communities based on religion namely, Muslims, Christians, Sikhs, Buddhists, Parsis and Jains and their functions and purposes are to assess the development progress of minorities, to ensure that laws enacted by Parliament and State Legislatures are consistent with the protections provided for in the Constitution and to make recommendations for the implementation of effective measures for the protection of the interests of minorities by the government. Therefore, first of all, our country (Myanmar) needs an institution like NCM to ensure the implementation process for monitoring and evaluation like India. This means that minority rights need to be carefully enacted in the constitution. Institutions also require monitoring and giving recommendations to check whether the implementation is really effective or not.

## Conclusion

All human beings are born free and equal in dignity and rights. Adopted by consensus in 1992, the United Nations Minorities Declaration in its article 1 refers to minorities as based on national or ethnic, cultural, religious and linguistic identity, and provides that states should protect their existence. In today's world multi ethnic States are the norm. Good governance plays a vital role in involving minorities in societies and protecting their rights and interests. Under the provisions of human rights instruments, States have an obligation to protect the rights of all persons subject to or under their jurisdictions. States authorities need to ensure that minorities enjoy the fundamental right to equality, both in written legislation and in society at large. When minority rights are enshrined in Constitutions and implemented through the electoral, justice and education system before a conflict has the chance to fester, there is a chance that conflict might not occur at all.

Myanmar should provide safeguards to promote and protect human rights by removing legal barriers and social oppression of human rights defenders. In addition, the government should enact a special 'witness protection' law in relation to minority cases as well. Despite the large number of witnesses in minority cases in courts across the country, conviction rates for racially motivated crimes remain low. Therefore, it is necessary to create legal provisions so that witnesses feel safe so that justice is not compromised. The constitution is important in determining how rights will be enforced. It should in particular outline the role of courts in deciding rights violations and the compatibility of legislation with constitutional rights. The constitution may also provide for independent bodies to assist enforcement of rights, such as a Corruption Commission, or a Human Rights Commission which can receive complaints, monitor respect for constitutional rights and promote their recognition. As a result, the general principle of equality outlined in the constitution may need to be accompanied by clear protections for women or minorities against discrimination. Therefore, enshrining minority rights in the constitution is the best way to protect and promote minorities all over the world.

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