

CONSTITUTIONAL GOVERNANCE: MINORITY RIGHTS AND COMMUNAL VIOLENCE

Jaskiran Kaur

Amity Law School, Delhi

The protection and the promotion of the rights of people belonging to ethnic or national, linguistic and the religious minorities is an instrumental factor to the social and political stability of the States in which they reside. Conflicts rooted in the cultural differences in many respects realize the fear of many States vis- à- vis minorities. Harmonious relation between the minorities and majorities or of one minority with the other is an asset to the multi-cultural diverse global society. The chief assertion which is made by this article is that the consciousness of effective and full equality for all the residents and the citizens within a multi-ethnic state necessitates “participatory equality.” Generating a set- up of ‘participatory equality’ demands, modelling fundamental and extreme amendments and changes to the legal system of the state, economic and social structures; however, this kind of a metamorphosis is the only means for ensuring peace and of respecting human dignity. Firstly, this article examines the prevailing legal frameworks in regard to the rights of national minorities, also incorporating the deliberations of the particular case of rights of the indigenous people and the intersection between collective and individual rights. The substance of the article advances a universal model, also dwelling upon the existing legal frameworks, for structuring participatory equality for all members of a society, which entails the equal and full sharing of the resources of the society in three paramount domains: The Internal, the Historical domain and the Public domain.

PREMISE

If a Country doesn't recognise Minority Rights, you will not have the kind of stability and prosperity that is possible.

-Hillary Clinton

A lot of people must have encountered themselves with the question of 'Why, in comparison to Non-democracies do democracies are confronted with more secessionist violent movements? Even though it is evident that democratic states advance to International peace, but what seems problematic is the issue of whether those democracies savour that Internal peace themselves. The evidence seems to indicate that in comparison to democratic states, authoritarian states encounter fewer separatist challenges of a violent nature. Democracy, which proposes competitive elections, is commonly extended as a resolution to political issues and problems. However, in the societies that are ethnically divided, competitive democracy may polarize groups and may aggravate political tension.

Are systems of democratic governance irreconcilable with resistant and enduring peace in such societies?

Chechnya, Darfur, Chechnya, Kosovo, Sri Lanka and Kashmir are some of the world's long running conflicts. All of them were fought and fuelled over linguistic, ethnic, cultural and religious issues.

DEMOCRACY AND MINORITY CHALLENGES

Democracy, which develops competitive elections, is commonly propounded as a guide to the political problems. However, elections may not portray the will and volition of all population groups.¹ *For example*, in Turkey or Sri Lanka, a minority has been refused all participation in the process of democracy, other than voting and being axiomatically outvoted. Like these two countries, there are several other countries, that deny to trail with the standards of International Human Rights, putting through the minorities to arbitrary power by a predatory majority.² In a democracy, the majority has the capacity to elect a government that imposes mores and laws of one religion and has the capability to abuse its' electoral power against the minority.³ "Minorities, particularly, relate democracy not with participation or freedom but with the organised dominance of many such combating majority groups."⁴ This may bring out the answer to why a number of countries as well as well-established democracies affianced in a transition process, counter violent challenges from minority groups within state borders. It manifests an ingrained weakness in the democracies, that the rule of majority is not necessarily understanding or friendly in the matters of minorities and their needs and desires.⁵ This does not direct the termination of democracy, but it advocates that efforts at democratization should be manoeuvred by the realization that it is a conflict-driven process which may aggravate inequalities and motivate the affected groups to continue insurgency.⁶ Institutionalized power sharing mechanisms,

¹ Przeworski, Adam, *Minimalist Conception of Democracy: A Defence in Ian Shapiro and Casiano Hacker Cordon (eds) Democracy's Value*, Cambridge, Cambridge University Press, (1999).

² O'Brien, Conor Cruise, *Terrorism under Democratic Conditions: The Case of the IRA*, (1983); Martha Crenshaw (ed.), *Terrorism, Legitimacy, and Power: The Consequences of Political Violence*, Middletown, CT: Wesleyan University Press; Roeder, Philip G *Power-Dividing as an Alternative to Ethnic Power-Sharing' after Civil Wars*, Ithaca: Cornell University Press; Swain, Ashok (ed.). (2005).

³ Clemens, Walter C. Jr., *'Complexity Theory as A Tool for Understanding and Coping with Ethnic Conflict and Development Issues in Post-Soviet Eurasia'*International Journal of Peace Studies, Vol. 7, No. 2, 1-15 (2002).

⁴ Sisk, Timothy D., *Power Sharing and International Mediation in Ethnic Conflict*, New York: Carnegie Commission on Preventing Deadly Conflict & Washington, DC: United States Institute of Peace, 31 (1996).

⁵ Alfredsson, Gudmundur & Danilo Turk *'International Mechanisms for the Monitoring and Protection of Minority Rights: Their advantages, disadvantages and interrelationships'* (1996).

⁶ Henderson, Errol A., *Democracy and War: The End of an Illusion*, Boulder: Lynne Rienner Publishers (2002).

for example, may propose incentives for collaboration and cooperation between ethnic groups.⁷

THE INDIAN EXPERIENCE

Even if you are a Minority of one, the Truth is the Truth

-Mahatma Gandhi

It is extremely inexpedient to certainly deduce as to why India, despite being a stable and strong democracy is confronted with several separatist violent conflicts. Prima Facie, India appears to be a country where the “democratic peace proposition” for internal peace seems to have flunked. However, in spite of organising a number of violent secessionist movements, India has fixed a consolidated democracy. It has been able to yield lasting and peaceful resolutions to several minority challenges with the help of its’ democratic institutions: Tamils in India, Sikhs inn Punjab and Gorkhas in West Bengal to label a few.

India has always been an eye opener for theorists of democracy. It has constantly defeated those who forewarned its forthcoming demise. In spite of considerable socio-economic challenges and an independent society, also covering widespread illiteracy, a deeply hierarchical social structure, and abject poverty, all of which, in theory, are inharmonious for a prospering democracy, India’s democracy exhibits no signs of fading away. Most analysts admit that it is dangerous to the endurance of democracy in India and it has been the nature of the Indian state, and its willingness to accommodate and bargain varying interests. This has been viewed as a key in managing the democratic system despite of having rooted divisions in society. In the most fundamental of these modes, *Lijphart* for instance, has asserted that India fits adeptly into the consociation paradigm, even though the consociation system has not been formally preserved in the Indian polity. He contends that Indian democracy has shown all the four fundamentals of power-sharing theory, which are:

- a) majestic coalitions including representatives of the major groups
- b) cultural liberty for these groups
- c) proportionality in civil service posts
- d) a minority veto in reference to core minority rights and autonomy.

These may at first, seem a defense of the majority system, with the assemblage of power in bare one party majority governments, an inordinate electoral system, and complete majority rule, that has defined the Indian political system.

Religious Minorities

⁷ Hartzell, Caroline & Mattew Hoddie, *Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management*, Berkely, Los Angeles & London: University of California Press (2003).

Religion has, through the ages played two different roles in society, not only in India but throughout the world. On the one hand, it had the result of uniting large sections of people who would otherwise have remained fractured and disintegrated into pretty principalities and tribes. Religion has also led to intense divisions between group and group, man and man and nation and nation, on the other hand.⁸ In the Constituent Assembly; on the footprint of religion on the life in India, observed that the religious conceptions in this country are so wide that they encompass every area of life, from birth to death.⁹

Linguistic Minorities

Language is an essential tool for all human lifestyle. It is the method of communicating our complex and tangled thoughts, and it is, perhaps, the most essential mark of group identification.¹⁰ Language is the greatest asset of a man. Language is an indicator of growth in almost all the areas of scientific education and information.¹¹ Languages can also unfurl, but here the linguistic boundaries are one of the most rigorous things in the world, as by the experience of history. *Article 347 of the Constitution of India* states, on a demand being made in that behalf, the president may, if he is satisfied that a substantial proportion of a state desire the use of any language spoken by them recognized by the state, direct that such language shall also be officially recognized throughout the state or any part thereof, for such purpose as he may specify.¹² It provides a guarantee to the use of minority languages in the administration. It authorizes the President to issue directive to a state government for the recognition of minority language as official languages in the administration. The linguistic minority groups do but have adequate knowledge of the official language of the state; some safeguards should be evolved in order that they (may) understand the purpose and implication of state administrative measures affecting them. Important laws, government notices, rules and regulations correspondence with government offices must be in a language intelligible to the linguistic minority groups. Otherwise it will create undue hardships to them in their dealings with the administration and in understanding the laws, rules and regulations in force for the time. So, the article enables the president to direct in appropriate cases the use of minority languages in the administration.¹³

Linguistic and Cultural Rights

Article 29(1) of the Constitution guarantees the right to the cultural minorities to preserves its own language and culture; the state would not by law impose upon it any other culture,

⁸ RAO B. SHIVA, THE FRAMING OF INDIAN CONSTITUTION-A STUDY 179, (Vol. II, Calcutta) (1968).

⁹ GLEDHILL ALAN, FUNDAMENTAL RIGHTS IN INDIA 103-104, London, (1956).

¹⁰ G.S. GHURYE, SOCIAL TENSIONS IN INDIA 44, New York, (1992).

¹¹ G.S. GUPTA, LANGUAGE AND THE STATE 8, New Delhi, (1995).

¹² KASHYAP SUBASH C., CONSTITUTION OF INDIA REVIEW AND REASSESSMENT 142, Delhi, (2006).

¹³ KOTHARI RAJNI, POLITICISM INDIA 333, Delhi, (1996).

belonging to the majority or the locality. This provision, thus gives protection not only to cultural minorities but also to linguistic minorities.¹⁴

No Discrimination in State Educational Institutions: *Article 29(2) of the Constitution* guarantees, no citizen shall be denied admission into any educational institution maintained by the state or receiving state aid, on grounds only of religion, race, caste, language or any of them. This means that there shall be no discrimination against any citizen on the ground of religion, race, caste or language, in the matter of admission into educational institution maintained or aided by the state.¹⁵ It is a very wide provision intended for the protection not only of the religious minorities but also of local or linguistic minorities and the provision is attracted as soon as the discrimination is immediately based only on the ground of religion, race, caste, language or any of them.¹⁶

No Discrimination in State Aid to Educational Institutions: *Article 30(2)* of the Constitution guarantees the state shall not in granting aid to educational institutions, discriminate against any educational institution on the ground, it is under the management of a minority whether based on religion or language.¹⁷ *Again, the Article guarantees;*

(a) Every minority has the right not only to establish its own educational institutions but also impart instruction to the children of its' own community in its own language. In making primary education compulsory (*Article 45 of the Constitution*), the state cannot compel that such education must take place only in the schools owned, aided or recognized by the state so as to defeat the guarantee that a person belonging to a linguistic minority has the right to attend institutions, run by the community, to the exclusion of any other school.¹⁸

(b) Even though there is no constitutional right to receive state aid if the state does not in fact grant aid to educational institutions, it cannot impose such conditions upon the right to receive such aid as would virtually drive the members of the religious or linguistic community of their right under *Article 30(1)*. While the state has reasonable conditions, it cannot impose such conditions as will substantially deprive the minority community of its rights guaranteed by *Article 30 (1)*.

Surrender of fundamental rights cannot be exacted as the price of aid doled out by the state. Thus, the state cannot prescribe that if an institution, including one entitled to the protection of *Article 30 (1)*, seeks to receive state aid, it must subject itself to the condition that the state may take over the management of the institution or to acquire it on its

¹⁴ No.CLM REPORT/50/2014 at 78 (2014), *Report of the Commissioner for Linguistic Minorities*,

at <http://nclm.nic.in/shared/linkimages/NCLM50thReport.pdf>.

¹⁵ First Report at 44 (1956), *Report of the Commissioner for Linguistic Minorities*, New Delhi.

¹⁶ CHATURVEDI D.C, INDIAN FUNDAMENTAL RIGHTS 102, Meerut, New Delhi, (1992).

¹⁷ P. REDDY SAROJINI, JUDICIAL REVIEW OF FUNDAMENTAL RIGHTS 190- 192, New Delhi, (1976).

¹⁸ SHARMA C.D., EDUCATION OF NATIONAL MINORITIES 113, New Delhi, (1978).

subjective satisfaction as of certain matters for such condition would completely destroy the right of the community to administer the institution.¹⁹

(c) Similarly, in the matter of the right to establish an institution in relation to recognition by the state, though there is no constitutional or other right for an institution to receive state recognition and though the state is entitled to impose reasonable conditions for receiving state recognition. i.e., as to qualifications the acceptance of which would deprive minority community of their right guarantee by Article 30 (1).

(d) Minority institutions protected under *Article 30 (1)* of the Constitution are, however subject to regulation by the educational authorities of the state to prevent mal administration and to ensure a proper standard of education. But such regulation cannot go to the extent of virtually annihilating the right guaranteed by *Article 30 (1)*.

TREATMENT OF DALITS, TRIBAL GROUPS & RELIGIOUS MINORITIES

Limitations on attacks and free speech on religious minorities, often guided by vigilante groups that profess to be supporters of the ruling Bharatiya Janata Party (BJP), is a rising affair in India. In 2016, students were impeached of of sedition for conveying their views; people who raised anxieties over challenges to civil autonomies were adjudged as Anti-Indians; Muslims and Dalits were pounced on a suspicion that they had stolen, killed or sold cows for beef. Due to India's restrictive Foreign Funding Regulations, Non-governmental Organizations (NGOs) came under pressure.²⁰ The violence took place amidst a hostile push by several militant Hindu groups and BJP leaders to ban beef consumption and prevent cows.

A Muslim cattle trader, Mohammed Mazlum Ansari, a 35-year-old, and a 12-year-old boy named Mohammed Imteyaz Khan, were found hanging from a tree in the State of Jharkhand in 2016, their bodies bruised and their hands tied behind their backs. A man was murdered in the State of Karnataka by the fellows of a Nationalist Hindu group while transporting cows, in August 2016. In July 2016, four men in Gujarat were tied to a car, stripped and publicly battered with belts and sticks over suspicions of cow slaughter. The Government's continuous collapse to regulate militant groups, merged with inflammatory comments by some BJP leaders, has furnished to the impression that leaders are impassive to rising intolerance.

A 2016 report on Caste-Based Discrimination by the UN Special Rapporteur on Minority Issues acclaimed that Caste-affected Groups will resume to experience dehumanization and exclusion. The case of suicide of a 25-year-old Dalit student, Rohith Vemula drew revived attention to established Caste-based Discrimination in the Indian society, and caused nationwide protests by activists and students asking for reforms in higher education,

¹⁹ RAMACHANDRAN V.G, FUNDAMENTAL RIGHT & CONSTITUTIONAL REMINDNESS 657, Vol. II, Madras, (1997).

²⁰ India 'Events of 2015', TREATMENT OF MINORTIES (Nov.7, 2015), <https://www.hrw.org/world-report/2017/country-chapters/india>.

in January 2016. In June, during the 2002 Gujarat riots, a special court in Gujarat sentenced 24 people for their participation in the mass assassination of 69 people by a Hindu mob in Gulberg Society, in the Muslim vicinity in the city of Ahmedabad. The court called the killings the “darkest day in the history of civil society”, while ordaining the verdict. But some victims’ families, rights activists and lawyers condemned the acquittals of a police official and senior BJP Leaders. Since the electoral victory of the Bharatiya Janata Party (BJP) in 2014, India has been encountering rising incidents of communal violence, in which religious minorities, such as Muslims, Sikhs, Christians are being attacked by Hindu Ultra-Nationalist Organizations that have the implicit aid from some in the Central Government in India. Dr. John Dayal, a Human Rights’ Activist, in his conducted Interim Report stated that the first 300 days of the Modi’s government has noticed 43 deaths among 600 documented cases of violence against Muslims and Christians²¹ The danger that Religious Minorities encounter in India is not just a fear of violence against their religious institutions and physical bodies, but the fear that their core existence is in jeopardy in a country which is extremely influenced by a Hindu majority that is progressively taking on a fundamentalist hue. Due to the promotion of discriminatory policies, the communal tension has soared. In India, the judicial system is fading away to safeguard religious minorities in which investigative agencies and prosecutors are enforced to make decisions that are conducive to the Hindu extremists. The Hindutva (Hindu ultra-nationalist) Authoritarian Governments’ official Investigative agencies attempt to draw the Indian legal system futile by setting them aside as mere bystanders, as the democratic rule of law is consistently subverted.²²

The communal incidents in India have not been curtailed and structural violence and religious intolerance against religious minorities still remain a major interest. It can be disclosed from the reported cases of communal attacks and clashes on the religious minorities since January 2015. The question arises as to why, after the BJP victory, is there more communal violence? The cause is the Central Indian Governments’ indirect and direct accession to the aggressive outlook of the Hindutva Frontal Organisations.

Government authorities have exasperated Communal conflicts through the orders that emancipated the Hindus, whereas they discriminated or disregarded against such religious minorities. For instance, in educational institutions, the Ahmedabad School Board furnished a circular governing all schools of the state, counting the Urdu medium schools, to execute compulsory Hindu religious invocations.²³ The District Educational Officer of Ahmedabad made it obligatory for the municipal schools to sing songs that are closely

²¹ *id.* 25; <http://www.worldpolicy.org/journal/summer/indias-right-turn>, last accessed on 2/7/2015.

²² <http://indianexpress.com/article/india/india-others/since-this-new-govt-came-i-have-been-told-to-go-soft-on-accused-hindu-extremists-special-public-prosecutor/>, last accessed on 6/7/2015.

²³ Communal Conflict and the Plight of Religious Minorities in India (July 7th, 2015) <http://www.ibtimes.co.in/ahmedabad-compulsory-saraswati-puja-all-schools-creates-controversy-621430>.

analogous with the RSS as a constituent of its' morning ritual.²⁴ While the government advanced the practices of Hindu community, it stringently constricted the religious events and practices of religious minorities, further adding to the communal tension. The Sub-Divisional Magistrate of Dhar in Madhya Pradesh, in May 2015, a BJP-ruled state, nullified permission to arrange a three-day Pentecostal Convention, adducing danger to the order and law as an instrument of concern.²⁵ The government authority even impeded with the eating habits of the ordinary citizens, and propelled the animistic tribes to conform to the Hindu customs. Moreover, the government of India disapproved a visa to two senior Vatican officials, and obstructed with the International and Domestic bank accounts of religious charities and Organizations that are not Hindu.²⁶ The government also accredited construction plans that would annihilate mosques and churches. Moreover, a Congress-ruled state, in Karnataka, Amar Kumar Pandey, the Additional Director General of Police of the Internal Security Wing, formulated a circular that authorized the police commissioners to scan passport applications from Christians and Muslims and gather details of their denomination.

INDIAN JUDICIARY AND MINORITY RIGHTS: A STUDY OF SELECT CASES

"In law a man is guilty when he violates the rights of others. In ethics, he is guilty if he only thinks of doing so."

-Immanuel Kant

The concern of interpreting the meaning of 'Minority' came for the first time in 1957 before the Supreme Court in *Re Kerala Education*.²⁷ The Supreme Court observed: "What is meant by a minority? It is a term, which is not elucidated in the Constitution. It is painless to state that a community which in numbers is less than 50 Percent is a minority community, but then the question is not fully responded to, for a piece of the question has yet to be acknowledged i.e. 50 percent of what? Is it the 50 percent of the population of a state comprising a segment of the Union?" The State of Kerala asserted that in order to embody a minority which may assert the fundamental rights indemnified to the Minorities under Articles 29 (1) and 30 (1) of the Constitution, the person must be a minority numerically in the particular region in which the questionable educational institution is or deliberated to be situated. The State of Kerala asserted that in order to form a minority

²⁴ RSS Song is a part of morning ritual in Ahmedabad School, (Jan 31st 2015, 12:23 a.m.) <http://indianexpress.com/article/india/india-others/rss-song-is-part-of-morning-ritual-in-ahmedabad-school/>.

²⁵ Communal Conflict and the Plight of Religious Minorities in India (Sep. 4th 2015) <http://www.milligazette.com/news/12823-communal-conflict-and-the-plight-of-religious-minorities-in-india>.

²⁶ Government extends NGO crackdown to Catholic Charity Caritas (Jun 23rd, 2015 14:40 IST) <http://www.hindustantimes.com/india-news/government-extends-ngo-crackdown-to-catholic-charity-caritas/article1-1361912.aspx>.

²⁷ Re: Kerala Education Bill, AIR 1958 SC 956.

which may affirm the fundamental rights guaranteed to the minorities under Articles 29 (1) and 30 (1), in the particular region, the person must numerically be a minority in which the educational institution in question is or deliberated to be situated.²⁸ The Supreme Court differed with the assertion of the State of Kerala and brought up a pertinent question. If a certain region is to be ascertained as a unit to decide minority then which is the unit which will have to be taken and where is the line to be drawn?²⁹

The Supreme Court in *D.A.V. College-Jullundur v. State of Punjab*³⁰ is a needle to the fact. It was held that Arya Samajis being considered as Hindus forms a part of the Religious Minority in Punjab.³¹ The Court also enunciated the significance of the linguistic minority and expressed that, "For the purpose of Article 30(1), a linguistic minority is the one which must at least have an autonomous spoken language. It is not a paramount consideration that the language should also have divergent script for those who call it to be a linguistic minority." The standard of determination of 'Minority' ratified by the judiciary undergo insufficiencies. Firstly, the simple arithmetical formula of less than 50 percent of the entire population of a State may generate scepticism. Keeping in sight the ongoing process of formation of new States and the resultant analytical changes, the population of a state may be so fragmented and assorted in terms of language, religion or culture that no community or group may form 50 percent of the entire population. Under such constraints, on a simple arithmetical basis, the minority determination will not be practicable and consequently either no community or all the communities will savour the security of protection under *Articles 29 and 30* of the Constitution.

The right to education has been segmented as the basic guarantor by the Supreme Court in the case of *Mohini Jain*.³² When read in conjunction with this right, the articles in question broaden their own gist considerably, as against when read in seclusion. And as has already been expressed earlier, that it was the intention of the framers to render to the minorities computed impetus for employing opportunities in the field of education, so that they may step up to the majority, both socially and economically.

MINORITIES AND INTERNATIONAL HUMAN RIGHTS

*Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its' benefits.*³³

International events have increasingly heightened awareness of the plight of minority groups. Indeed, such is the current nature of minority issues, that only an overview can be

²⁸ D.A.V. College v. State of Punjab, AIR 1971 SC 1737,1742.

²⁹ A.S.E Trust v. Director, Education, Delhi Administration, AIR 1976 Del 207.

³⁰ D.A.V. College v. State of Punjab, AIR 1971 SC 1737,1742.

³¹ St. Stephens College v. University of Delhi, AIR 1992 SC 1630.

³² Mohini Jain v. State of Karnataka, 1992. 3 SCC 666.

³³ Universal Declaration of Human Rights, art. 27(1), 1948; International Covenant for Civil and Political Rights, art. 27, 1966; African Commission on Human and People's Right, art. 17(2), 1986.

provided. *Article 27 of the Universal Declaration* restricted itself to establishing a 'Right freely to participate in the cultural life of the community' despite detailed debates on the issue. In the end, only one Article specifically addresses Minority issues- *Article 27 of the International Covenant on Civil and Political Rights, 1966*. Minority rights are growing in prominence within the work of regional organisation³⁴

RATIONALIZING MINORITY PROTECTION

Conflicts rooted in Cultural Differences which have characterized International Affairs in many respects realize the fears of many States vis- a- vis minorities- i.e., that any recognition of (even the mere existence of) minority groups can threaten the territorial integrity of the State. In many respects, even recent history attests to these fears- the fate of the Union of Soviet Socialist Republics, Yugoslavia, and Czechoslovakia, for example. There were two principles of thought on Minority Treatment:

- a) Assimilation
- b) Recognition (or Fusion)

Naturally, the spectrum of theories continues to develop as Human Rights become more sophisticated. Secessionist fears explain why Assimilation was favoured in much of Europe. Minority Rights are in effect, treated as Individual Rights which happen to have a group or collective dimension.³⁵ A state may or may not recognize all the minority groups within its' jurisdiction. However, even should a State elect to ignore any Minorities and refuse to recognize them in law, a group whose members can be distinguished from the majority population by one or more of the stipulated characteristics is entitled to rely on *Article 27* of the Covenant. This line of reasoning can be seen in *Lovelace v. Canada*³⁶.

TESTS EMPLOYED TO DETERMINE THE MINORITY STATUS

Both *Subjective and Objective tests* were employed by the Permanent Court of Justice in the *Greco- Bulgarian Committees Cases*³⁷. The objective test being the existence of facts and the subjective test, the 'Sentiment of a Solidarity'. This is probably the ideal position as a combination of many factors should give a clear indication of membership³⁸ of a given group. Problems may arise when Political ideologies become inextricably linked with culture, most predominantly, religion. One of the most established groups with linked political and religious ideologies are the followers of Judaism. Many States distinguish between Jews and Zionists in an attempt to separate the religious from the political

³⁴ SMITH K.M. RHONA, INTERNATIONAL HUMAN RIGHTS 438 (Oxford Publications. 6th Ed.).

³⁵ Waldman v. Canada, UN Doc CCPR/C/67/D/694/1996 (1999).

³⁶ Lovelace v. Canada, UN Doc. CCPR/ C/ 13/ D/ 24/ 1977.

³⁷ Greco Bulgarian Committees Cases, 1930 P.C.I.J. (ser. B) No. 17.

³⁸ Kitok v. Sweden, CCPR Communication No. 197/1985 (1988).

ideologies prevalent in the Middle East. It should be remembered that the rights pertain solely to persons 'belonging to' such Minority Groups.³⁹

THE CHALLENGES OF MULTIPLE DISCRIMINATION

Children and Young People

One of the substantial concerns that is infecting children affiliating to minorities is dearth of access to quality education, which can have an adverse impact on their adult and adolescent lives: Minority girls outface added barricades to education: they may undergo forced marriage, which thwarts them from consummating their education and they are required to aid their mothers, leaving a negligible time for education. They are also exposed to rape, human trafficking, domestic violence and other forms of abuse, which restrict their freedom of movement and admittance to benefits such as education, health care, employment and also their involvement in civic and political life.⁴⁰ This has culminated in a gender disparity in consideration to education.⁴¹

For instance, in *Burundi*, there are high drop-out rates among Batwa girls in the prime and secondary education, in reference to the *Minority Rights Group's Report from 2010*⁴². Ingredients contributing to their situation incorporate poverty, the outlook of the Batwa parents towards the early marriage and education of the girls. Policies in language can also have an effect on the education of young people and minority children. Taking the example of Tajikistan, the employment of languages other than the majority Tajik language is dispirited and it is a stipulation that the 'university applicants' must have fluent in Tajik. This can pose a barrier to education for the Uzbek Communities who are considered as a Minority.

Women

Minority women encounter an eccentric set of challenges on an exposition of intersectional discrimination: their community status and gender. For instance, the institution of a dress code could concretely preclude women from specific identity groups from seeking for jobs, like a Muslim woman who wear a headscarf or a Hijab. Similarly, health policies which are discriminatory and which rebuff accessibility to services to minority in general can influence women in different ways. As the Government of Israel denies to acknowledge a number of *Arab Bedouin villages in the Negev*, it is a fact that there are no health facilities handy to people who reside in them.

SURMISE

³⁹ International Covenant on Civil and Political Rights, art. 27, 1966.

⁴⁰ Human Rights Council (August 16th 2016), *State of the World's Minorities and Indigenous Peoples 2011, Minority Rights Group International*.

⁴¹ Jasmin Qureshi, *Minority Stories: Children and Young people* (August 16th 2016).

⁴² Kathryn Ramsay, *Uncounted: the hidden lives of Batwa women*, (July 13th 2016).

Minorities have been a hot- buttoned issue throughout the history of a human. What has been even more problematic is their legal protection. Too many conflicts that have minority rights at their centre are not being understood as such. What is the result? Conflicts that could have been intercepted flared up, as warning signs postulated by *Minority Rights Violations* go unheeded. An endeavour to end violence only sows the seeds for more violence in the future, as peace resolutions simply become ceasefires. But the preservation of minority rights began with the sole object of preventing conflicts. These rights are not meant to aid the secessionist movements not they were outlined to disconnect and separate people, as some governments today fear. They aim to protect individuals within groups, such as women, who lack power and majorly to preserve such groups.