

**UUM ILC 2017**  
**9<sup>TH</sup> UUM INTERNATIONAL LEGAL CONFERENCE**

**THE ROLE OF INTERNATIONAL LEGISLATION IN  
PROTECTING THE RIGHTS TO MINORITIES**

Mohammed Salman Mahmood (a)\*

\*Corresponding author

(a) Law Department College of Law –Misan University-Iraq, mohamadlaw2010@yahoo.com, 009647705508641

***Abstract***

For a long time, humanity has fought a lot of struggles to demand human rights. It has seen a gradual transition from a system in which it suffered from the restrictions of slavery and slavery, to the time the signs of international law began to emerge, until an international order was established to recognize human rights and basic life as an international responsibility. Meanwhile, the issue of human rights has become the subject of international conventions, affected by the scourge of conflicts experienced by some countries, both internally and with other countries. Human rights has been structured by international conventions, with the inclusion of protection of small human groups living with the majority group in one country – the minority. However, the international law doctrines and international legislation have no standard definition to address the ‘minorities’. Some doctrines rely on the element of race to define the concept of minority, while others refer to the elements of language or religion. The aim of this paper is to address the concept of minorities, which is disputed so far. Other than that, it seeks to study the role of international charters and domestic legislation in providing protection for the special rights to minorities. The methodology adopted in this paper is a doctrinal legal research, focusing namely on primary and secondary data. The result indicates that it is necessary to include the Constitutions of States on a specific definition of minorities that is comprehensive.

© 2018 Published by Future Academy [www.FutureAcademy.org.UK](http://www.FutureAcademy.org.UK)

**Keywords:** Constitutions, Legal Legislation, United Nations, International Conventions, Rights to Minorities.



## **1. Introduction**

Humanity has fought a long struggle to demand human rights. It has witnessed a gradual transition from a system in which it suffered from the restrictions of slavery and servitude, and then the signs of international law began to emerge, until an international regime was established that recognized human rights and basic life as an international responsibility. The issue of human rights has become the subject of international conventions, affected by the scourge of conflicts experienced by some countries, both internally and between countries and others. The need for a standard definition of the term ‘minority’ arose due to the ratification of international conventions that regulate human rights, including the protection of small groups of people living together with the majority group in one state. This is what we mean by the term: the minority.

To date, most countries of the world have different minorities that differ from the majority in terms of race, language or religion. Due to the migratory movements throughout the ages and the spread of the principles of religious freedom, monotheistic and linguistic societies have begun to disappear.

The paper will study the concept of the minority and how its legal status has evolved. It involves the rights that are documented by international conventions, public and private, and the study were discussed: first, the concept of the minority; and then the issue of the idea of minority rights, and their development in international law, after that conclusion and recommendations.

## **2. Problem Statement**

The problem statement for this paper revolves the role of legislations in protecting the private rights to minorities in the internal and external level, and then the position of jurists to the extent in which rights to minorities are protecting.

## **3. Research Questions**

Based on the research problems above, the following are the research questions:

1. What are the role of the Internal Legislatives in defining the term minorities?
2. How can to protected rights to minorities by International Charters i.e. (public and private)?
3. What are the role of United Nations and International Declaration on Human Rights 1948 to achieve rights to minorities?

## **4. Purpose of the Study**

This paper will contribute significantly in the following fields:

1. The results of this study will be useful to the Legislative Authorities, Government Institutions, Non-Governmental Organisations (NGOs), and research centres, in understanding the phenomenon of minorities and protecting rights to minorities.
2. The Academic Community as well as other stockholders; i.e. the international society will most likely benefit from this study. For example, the findings and the recommendations of this study could be used as a source of information by the Academic Community who are interested in the

area of minorities and it's protect from persecution and deprivation. Furthermore, the international society will be able to know how to protecting the rights to minorities.

## 5. Research Methods

Research methodology is a system to find solutions to research problems. The researcher employed both doctrinal and empirical methodologies in the course of this paper. Furthermore, the paper is a doctrinal legal research; i.e. a library-based research (Creswell, 2012). This method was selected as there were numerous issues concerning legal matters i.e. Constitutions and the Internal legislative. Therefore, it was imperative to solve it through review, criticism and theoretical analysis and application of the statutes, instruments, conventions, treaties and states practices that establish the principles of international law of rights to minorities involved in this paper.

## 6. Findings

### 6.1. The Concept(s) of Minority in International Law

The term "minority" has no standard legal definition in international law. Generally, it refers to a group of people who are unique in terms of characteristics such as the difference in race, religion or language, living side by side with the rest of the other people in one country. The difficulty in defining this definition is reflected by the multiplicity of minority situations, since some of population live in specific geographical areas separated from the larger part of the other population, while others are distributed throughout the country. While some minorities enjoy a strong sense of collective identity and recorded history, some other minorities preserve only a fragmentary idea of their common heritage (Kazem, 2013).

With regard to the classification of minorities, the United Nations Declaration on Minorities of 1992, (United Nations Declaration on the Rights, 1992) provides in its Article 1:

"Countries shall, within their respective territories, protect the existence, national or ethnic identity, cultural, religious and linguistic identity of minorities, and create conditions conducive to the promotion of such identity".

A minority has this status because of its ethnic, religious or linguistic differences from the majority that it shares in one country. Multiple definitions of the term "minority" were agreed upon to state the basic elements of this group of human beings.

One of the international documents defines the minority in general as: "a group that is less than the rest of the population of the country and whose members are citizens, having different ethnic, religious or linguistic characteristics than those of the rest of the population and who wish to maintain their cultural and religious traditions".

According to the Vienna Declaration on the Protection of National Minorities in European Countries, issued by the Council of Europe in 1993, national minorities are defined as: "Groups that have become minorities within the borders of the country as a result of historical events against their will, and the relationship between such a minority and the country is a permanent relationship and its citizens are citizens of this country".

While the United Nations Declaration on the Rights of Persons Belonging to National, Religious and Linguistic Minorities was silent on the definition of minority, its nine articles emphasized the importance of preserving the rights to minorities and equal rights with the majority. A definition of the minority was presented to the Preparatory Committee for this declaration by the German delegation as: "The minority is a group of citizens of the country who constitute a numerical minority that does not have the control or predominance of the country and are characterized by the other members of the society ethnically, linguistically or religiously, together, and are keen, and this concern may be hidden, to survive, and aim to achieve equality with the majority reality and law" (The Lebanese Future Newspaper, 2017).

Obviously, the researcher found minorities are a group of people different from the majority in one or more of the following variables: religion, language, culture or race. This definition is close to the definition in the Encyclopaedia Britannica: "a group of individuals who distinguish ethnically, religiously, linguistically or nationally from the rest of the individuals in the society in which they live."

The minority can be defined politically as "a group that shares one or more of the cultural or natural components or a number of interests that are institutionalized by particular organizations and patterns of interaction and whose members are aware of their distinctiveness vis-à-vis others as a result of political, social and economic discrimination against them.

It is clear through these definitions that there are two criteria for attributing a minority status to a group. The first criterion is a dynamic variable, which relates to rights, equality and participation, which are the pillars of citizenship. If there is a diminution of minority rights in one or all elements of a group at some point in a society, that description applies: a minority. This criterion is not about the number, but the status of rights. The smaller group may be dominant, as was the case of the control of the white minority in South Africa, and the control of the Alawite minority now in Syria. The second criterion is a fixed criterion, which is the difference of a group that constitutes a numerical minority, whether this is a difference in race, religion, language, form, color or culture (Ramzi, 2007).

From the foregoing it is clear to us that it is difficult to find a comprehensive definition of the term minorities, but there is a set of criteria that the international community has agreed to as prerequisites for any definition of the term minority (Ramzi, 2007):

1. Standard number: Minorities are fewer than the rest of the majority population, but there may be situations in which no majority group is represented, and the number of members of the minority is large enough to form their distinctive characteristics. In any case, no minority, no matter how small its members, should be subjected to any form of discrimination and its members must enjoy the human rights enshrined in international conventions.
2. Non-domination: the minority must be in a non-dominant position that warrants protection. There are dominant minorities that do not need protection. Some dominant minorities sometimes violate the principles of equality and practice various forms of discrimination, To the Alawite minority in Syria, where they occupy senior positions in the army and security services, and even in the management of state institutions.
3. Different ethnic, linguistic or religious identity: Minorities have distinct ethnic, religious or linguistic characteristics that are distinct from the majority of the population in the State, and their members and the majority of the population combine citizenship in one State.

4. Individual attitudes of the minority: Minority members have two ways of expressing their identity, either with the participation of the group to which they belong, their national desire to preserve their characteristics, or by expressing identity, that is, by choosing between belonging to the minority or integrating into the majority. Minority members prefer integration, and some prefer autonomy and separation.

The minority, in general, is a vulnerable group, who requires protection and privatization of rights that take into account their distinctiveness from the majority and the preservation of this particularity. They generally suffer from social and political weakness and marginalization, the confiscation of their political, civil, social and economic rights; their ability to compete with influential groups in society (Mohsen, 2010).

Through these definitions, the researcher can define the minority as: "a group of individuals who have the status of citizens in the state in which they live and do not enjoy domination, and are less numerous than the rest of the population, which have ethnic, religious or linguistic ties that distinguish them from the rest of the citizens. It is their characteristics that bring them together". As a citizen, foreigners, refugees, resident workers and indigenous people are excluded from the definition of minorities and enjoy special protection under special international conventions.

## **6.2. The Idea of Rights to Minorities and Developing in International Law**

Human rights have generally been found to protect the weak vulnerable to abuse and lack of rights, living in a situation that renders him unable to express the situation imposed on him, while the strong need for human rights may be virtually non-existent, at least in a democracy that entrenches majority rule. This is what the legal writer Sieghart said by saying: "Human rights are found to protect minorities" (General Assembly Resolution 55/36 of 25/11/1981).

Furthermore, minorities are directly concerned with human rights, since violations of human rights that are prohibited by international legislation are often not manifested in the form of practices against individuals, as individuals, but rather on ethnic and religious groups or individuals as members of such groups. This emphasis on the prohibition of discrimination implies that the root cause of non-respect for human rights is this ethnic, religious or linguistic factor, which is a direct cause of the question of minorities.

It should be noted that the restrictions on minorities in the area of human rights affect world peace. It leads to the fuelling of ethnic and religious conflicts and to the loss of stability in the country where the oppressed minority lives, which leads to the control of the consequences of those conflicts through international law by concluding treaties that provide special treatment to specific groups in the League of Nations system.

However, the system remains limited to the broad global stage, with a number of groups still in separate protection, while the current human rights system is based on universal multilateral treaties dealing with human rights for all, an ambitious attempt to reform countries and replace the old order, which focuses on a limited number of distressing situations (Al-Shamali, 2014). The most important issue, through which the seriousness of the system can be measured, is the issue of the protection of

minorities. Without focusing on vulnerable the groups, the system is empty of substance and incapable of achieving its objectives.

Given the gravity of the consequences of the question of minorities, there has historically been considerable interest in regional organizations, especially the Council of Europe and the Organization for Security and Cooperation in Europe. Although the presence of minorities in European history is very old, the current European experience, which began with the fall of the Berlin Wall in the early 1990s And developments in Eastern Europe, prompted these organizations to address the emerging problem of minorities in Europe. Three legal achievements relating to the rights to minorities have been achieved: the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities, the European Charter on Regional or Minority Languages, and other activities. The rules adopted by Europe to address the problem of national and linguistic minorities, one of which is primarily related to the rights to minorities or to their direct protection, or to the question of the human dimension, are pioneering and equated with other treatments at the international level (Article 2, United Nations Declaration on the Rights of Minorities 1992).

In Europe, the researcher found that the renaissance that began in Europe also contributed to the emergence of most Western constitutions that highlighted human rights and fundamental freedoms. Philosophers like John Locke, Jean-Jacques Rousseau and the American Thomas Jefferson played a role in gaining people on themselves. The Declaration of Rights of 1689, the 1701 Settlement Act, the Declaration of Independence of 1776 and the Declaration of Human Rights in France in 1789 were also highlighted at this stage. To the international level. The 1648 Treaty of Westphalia is the first of its kind in modern times to address certain aspects of human rights. It deals with the freedom to practice various acts of worship within the territories of the signatories to the Convention.

As well as, the Vienna Treaty of 1815 was an important step in this regard, denying the slave trade, in addition to guaranteeing religious freedom, and the Treaty of Berlin in 1878 had broadened the conditions for minority rights (Article 4 paragraph 3, United Nations Declaration on the Rights of Minorities 1992).

### **6.3. The Codification of Rights to Minorities during the Two World Wars**

#### **6.3.1. World War I**

The First World War brought great tragedies to humanity and human rights were widely violated. In response, they made extensive efforts to support and then internationalize these rights, but the aspirations of humanity were lost. The Treaty of Versailles in 1919 made the protection of human rights an obligation of the losing countries in war without the victor.

However, this treaty has had a significant impact on minority treaties that have established rules on the equality of minorities with the majority before the law and on the guarantee of religious and cultural freedom and the exercise of customs and traditions. These include treaties between the Allies and Austria in 1919, the Treaty of Triano with Hungary in 1920 and the Treaty of Sevres with Greece in 1920 Which included guarantees and legal means to ensure the protection and non-infringement of human rights, including the obligation to protect the rights to minorities and to grant them the right to lodge a complaint with the League of United Nation (Mohsen, 2010).

### **6.3.2. World War II**

After the Second World War, the interest of human rights in general and the rights to minorities in particular increased. The efforts of the international community culminated in the birth of the Charter of the United Nations issued in San Francisco on 26/6/1945. The Charter expressed the desire of Countries to establish a new world on the basis of civilized Peoples and their right to peaceful coexistence and stability.

The International Declaration on Human Rights 1948 and the International Covenant on Human Rights were followed by two general conventions relating to the issue of minorities, in addition to the adoption of international conventions relating to this category.

In the Universal Declaration of Human Rights 1948, (Kazem, 2013) Article1 countries: "All human beings are born free and equal in dignity and rights and have been given reason and conscience and must treat each other in a spirit of brotherhood". (And more than a thousand and four hundred years, Al-Faruq said Omar bin Al-Khattab: when you enslaved people and their mothers gave birth to free).

Article2 of the Declaration dealt with: "Everyone has the right to all the rights and freedoms set forth in this Declaration, without any discrimination, such as race, color, gender, language, religion or opinion." This is a clear reference to the rights to minorities of any kind and to protecting them from discrimination and calling for equality among all citizens in the same state.

Article18 of the Declaration dealt with the freedom of the person to freedom of thought, conscience, religion, the right to expression and expression of his faith and religion in education, practice, observance and observance. This is also a reference to the question of the right to minorities to preserve their culture and religious identity.

This Declaration was later adopted by the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights by the General Assembly of the United Nations (Al-Shamali, 2014).

Article 27 of the International Covenant on Civil and Political Rights countries: "In Countries with ethnic, religious or linguistic minorities, persons belonging to such minorities shall not be deprived of the right to enjoy their own culture, to profess their religion, to practice their religion or to use their own language, other members of their group".

It should be noted here that the expression of minority rights in international standards is carried out using individual expressions "the rights of persons belonging to minorities", and not in the collective sense of the minority. Thus, the rights to minorities in international human rights law per se are not the rights of groups or groups, but the individual rights of members of this group. However, these rights often need to be exercised within society and with others to be effective, (Article 2, United Nations Declaration on the Rights of Minorities 1992) as is the case with the right to protect the linguistic identity of the minority, while the right to protection against discrimination, as we shall see belong to the minority alone.

In regard to the special international conventions dealing with the protection of minorities or the preservation of their rights, including the Convention on the Prevention of Genocide on 9 December 1948 and the United Nations Declaration on the Elimination of all forms of Racial Discrimination on 20 November 1963.

Discrimination as a result of race, color or ethnic origin is an affront to human dignity and must be condemned as a denial of the principles of the Charter of the United Nations, a violation of human rights and of the fundamental freedoms proclaimed in the Universal Declaration of Human Rights and an obstacle to peaceful and friendly relations among nations, And security among peoples ".

This declaration prohibits the State, community or individual from discriminating on any basis in the field of human rights and fundamental freedoms and in the fields of civil and political rights, citizenship, education, religion, employment, occupation and housing (Van Damme, 2006).

Subsequently, a Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was issued (Van Damme, 2006), and in its preamble, stated that religion or belief should be respected and that no discrimination should be made on the basis of religion. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was subsequently promulgated (Van Damme, 2006).

However, the researcher found that all of these declarations are of a non-binding nature, which deprives them of their tangible physical power. If they do not turn into international treaties with specific obligations that include mechanisms for accountability in the absence of the implementation of their obligations, international law will remain inadequate in addressing the question of minorities.

#### **6.4. International Law to Protect Rights to Minorities**

The researcher has mentioned earlier that the rights to minorities are human rights. Therefore, minority rights guarantees should be put in place to ensure that such groups enjoy human rights as other members of society, and specific guarantees must be established that affirm their rights to minorities. These rights can be classified as follows:

1. Right to protection of existence and non-discrimination
2. Right to protection of identity
3. Right to political participation

##### **6.4.1. Right to protect the existence and non-discrimination**

Minorities have the right to protect their existence, which is the fundamental right, by protecting their physical integrity and preventing their being subjected to genocide. Minorities also have the right not to be discriminated against by the majority. Everyone is equal before the law in rights and duties.

With regard to the right to exist, Article 1, paragraph 1, of the United Nations Declaration on the Rights to Minorities countries: "Countries shall protect in their territory the existence of minorities" by protecting them from genocide and ethnic cleansing. The State shall also provide security to minorities in order to ensure that they are not targeted. Along with other groups such as militias, in addition to providing conditions for the existence of minorities by ensuring their continued existence in their area of residence and permanent access to the material resources necessary for their continued existence (Bassiouni, 2003).

The right to minorities to physical existence to their right to maintain their existence as a minority and to continue as such, and to prevent smelting leading to their disappearance and melting in the



majority by protecting their right to maintain their difference from the majority in religion, culture and language, is discussed in detail later.

With regard to the right to minorities not to discriminate between themselves and the majority, article 26 of the International Covenant on Civil and Political Rights prohibits any discrimination between persons before the law or the enjoyment of protection for any reason, including race, color, language, religion or origin And provided that the law should protect against such discrimination.

Article 7 of the Universal Declaration of Human Rights also countries that all persons are equal before the law and have the right to equal protection before the law without discrimination.

According to the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963, a State is prohibited from discriminating in the field of human rights and fundamental freedoms when treating persons on the grounds of race, color or ethnic origin, Legislation encouraging or leading to discrimination on grounds of race, color or ethnic origin against any group or individual (Entebawi, 1989).

It is noted through the texts contained in international conventions prohibiting discrimination that they implicitly imply that the root cause of the violation of human rights texts is ethnic, religious or linguistic differences, for any reason on the subject of minorities.

#### **6.4.2. Right to protection of identity**

Minorities have the right to protect their cultural, religious or linguistic identity, which, as with all human rights, entails positive and negative obligations on the State. The obligation to implement this obligation is reflected in the fact that respect for and protection of the right to minorities to identity Managing the diversity and stability that the state seeks among the different constituents of the people it comprises. A minority, whether an ethnic minority or a religious minority, has the right to maintain its linguistic or religious identity different from the language or religion of the majority in the state that brings them together.

##### **6.4.2.1. Right to protection of religious identity**

Article 27 of the ICCPR prohibits a State in which ethnic or linguistic minorities exist that persons belonging to minorities are denied the right to profess and practice their religion.

Article 18 of the International Covenant on Civil and Political Rights countries that a person has the right to a religion and freedom to profess any religion or belief of his choice and freedom to manifest his religion or belief in worship, observance, practice and education alone or with a group and before the public or separately. And the manifestation of religion or belief as freedom subject to restrictions established by law within the scope of the need to protect public safety, public order, public health or morals or the fundamental rights and freedoms of others (Ghali, 1975).

The protection of the minority's religious identity and the creation of conditions for the promotion of that identity are also an obligation under article 1 of the United Nations Declaration on the Rights to Minorities (Ghali, 1975).

#### **6.4.2.2. Right to protection of linguistic identity**

For a minority using its own language, language is one of the most important factors contributing to the preservation of the identity and privacy of this minority, which means that the minority must be given the right to use their language in communication and education. Accordingly, Article 27 of the International Covenant on Civil and Political Rights prohibits a State in which linguistic minorities exist, the persons belonging to it are deprived of the right to enjoy their own culture or to use their language in association with other members of their group (United Nations Work in the Field of Human Rights, 1990).

The United Nations Declaration on the Rights to Minorities establishes the obligation of the State to take measures to create favourable conditions for persons belonging to minorities to express their characteristics, to develop their culture, language, traditions and customs, provided that such practices are not in violation of national law and contrary to international standards (Allam, 1994).

The State shall take appropriate measures to ensure that persons belonging to minorities have adequate opportunities to learn their mother tongue or to receive instruction in their mother tongue. And to take measures in the field of education to promote knowledge of the history, traditions, language and culture of minorities within their territory. And that Countries take appropriate measures to ensure, where possible, that persons belonging to minorities have adequate opportunities to learn their mother tongue or to receive instruction in their mother tongue (Allam, 1994).

Minority groups can set up their own educational facilities to provide instruction in their own language, and the State may require that these facilities be taught the official language of the State as well as the language of the minority. Formal language education is a necessary measure for the integration of the minority in the society in which it lives.

Where appropriate, measures in the field of education to promote knowledge of the history, traditions, language and culture of minorities within their territories, and that persons belonging to minorities should have adequate opportunities to become acquainted with society as a whole.

The right to protection of the identity of the minority countries that persons belonging to minorities have the right to establish their own associations (Ghali, 1975), thereby preserving the identity of the minority and organizing the activities of its members.

The Declaration on the Rights to Minorities also provided for the right of persons belonging to minorities to establish and maintain free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as to preserve the identity and privacy of the minority.

Giving minorities the right to establish cross-border contacts with citizens of other Countries with whom they have national or ethnic links and religious or linguistic links (United Nations, Human Rights Mechanism, Geneva, 1988), is of great benefit in maintaining the loyalty and belonging of this minority to the State in which they live, These contacts stimulate the minority and raise the tendency to secede from the state and make their belonging to the state in which citizens reside with whom they have national, religious or linguistic links.

#### **6.4.2.3. Right to self-determination**

The right of a person belonging to a minority to determine itself belongs to the minority or not. In order to give effect to article 27 of the United Nations Declaration on the Rights of Persons Belonging to Minorities, it must be determined that a person has a minority status.

A person belonging to a minority may refuse to do so because of the internal discrimination he or she suffers from within his minority, or vice versa. Discrimination against him may be motivated by his belonging to a minority and the separation from the surrounding society (United Nations, Human Rights Mechanism, Geneva, 1988).

The State may purposely underestimate the identity of the minority with a view to forced assimilation and the progressive deprivation of the minority of its cultural, linguistic and religious specificity. Therefore, the state must work in two ways: Respect for the individual's right to determine his or her belonging without pressure on the one hand, and to work for the integration of the minority within the society and to promote the spirit of citizenship and the general belonging of the state in which it lives, while maintaining its cultural or religious specificity.

#### **6.4.3. Right to political participation**

This right is guaranteed to minorities involved in decision-making and in the management of the public affairs of the State in which they live side by side with the majority. As affirmed by the International Covenant in its preamble. Article 25 deals with the rights that must be made available to every citizen free of discrimination and includes participation in the conduct of public affairs, either directly or through freely chosen representatives, exercising the right to stand and be elected, With the opportunity to hold public office in his country (Rosenthal & Yudin, 1981).

The right to participate is not limited to the political aspect, although it is the most important and general form of participation. The right to participate also includes, in accordance with article 2 of the United Nations Declaration on the Rights to Minorities, the right of persons belonging to minorities to participate in all walks of life, Cultural, religious, social, economic and public participation (Mahmood, 2016), so as to ensure their integration and enhance their sense of belonging to the State in which they live. The limited number of members of the minority may put them at risk of marginalization, neglect and exclusion, thus ensuring that they participate in all forms of life in the State in which they live.

It is a priority that persons belonging to minorities have the right to make decisions concerning the minority to which they belong, or in respect of the areas in which they live, in a manner that does not conflict with national laws (Mahmood, 2016).

All of all, the researcher found that, having examined the rights to minorities as stipulated in the international conventions, the realization of these rights and ensuring the effective enjoyment by the minority of the State must take measures to do so, whether by issuing constitutional, legislative or administrative measures. These measures, which relate to minorities, do not generally conflict with the principle of equality contained in the Universal Declaration of Human Rights (Article 8, paragraph 3, of the United Nations Declaration on the Rights of Minorities, 1992).

## 7. Conclusion

In this part, the researcher discusses the main conclusions and recommendations in two parts:

1. The rights to minorities are the most important issues that need to be taken care of, because of the danger of their consequences if the minority is restricted, it weakens its belonging to the state in which it lives and gradually directs it to the neighbouring country with the geographical extension of the minority, feeding it separatism. Many minorities have ties and extensions that transcend the internal sphere of the state by virtue of their ethnic, linguistic or religious affiliation with other countries of similar characteristics. This restriction also leads to their isolation and isolation from the rest of society. Wars have been waged, nations have been destroyed, massacres committed and violations have been violated, in the name of minority rights.
2. The minority does not enjoy this status if it is a dominant group, as is the case with the Alawite minority, which was granted privileges that were not given to the majority by the French colonization - intentionally and by measure - before it was removed from Syria. A role in their transformation from citizens who are partners in the resources of the state on an equal footing with the majority to a group that occupies the positions of the state and even its economic resources to be a tool to preserve the unjustly earned gains they cling to, from the position of the President of the Republic, Military and administrative in the state of Westchester most of them - and The majority of them reject the practice of the majority of the minority - to defend it in ways that are far from the accepted humanitarian and moral principles, forgetting the spirit of citizenship and the humanity that they share with their compatriots. The wider segment of the Syrian people became a minority that oppressed the persecution of minorities without receiving the international protection of minorities, and the Alawite minority became the practice of persecution and marginalization.

### 7.1. Recommendations

1. One of the most important measures to be taken by the State in order to preserve the unity of the human fabric is the recognition of ethnic, cultural and linguistic pluralism, and thus preserving and neutralizing minorities rather than becoming time bombs or quasi-countries within a single state. Their sense of citizenship is weak and threatened.
2. Respect for the rights to minorities we have studied, as well as the promotion of common cultural awareness among the citizens of a single state. Minorities are excluded from any separatist or separatist ideology, and the majority distanced themselves from any asceticism or coercive assimilation of the minority.
3. The researcher recommended to protect rights to minorities by the provisions of Islam on dealing with the minority, similarly, through the difference of the other in religion, they are the people of the care of their interests and their rights and keep their presence side by side with the Muslims.
4. In addition, there is a need to unify the internal and international efforts of the United Nations to conclude a special international convention on minorities in order to provide full protection for

minorities and their gratification of special rights, as other human groups that form the majority in the state do.

## References

- Allam, W. (1994). *Protection of human rights in the public international*. Dar al-Nahda Al-Arabiya.
- Al-Shamali. M. (2014). *Minority rights in international law*. Syrian Center for Research and Studies. Retrieved from <http://www.syriasc.net> on May 20, 2017.
- Bassiouni. M.S. (2003). *International documents on human rights* (Vol. 1). Cairo: Dar al-Shorouk.
- Creswell, John W. (2012). *Qualitative inquiry and research design: Choosing among five approaches*. Sage Publications.
- Entebawi, M. (1989). *United Nations human rights system* (Vol. 2). Beirut: Dar al-Ilm for Millions.
- General Assembly Resolution 55/36 of 25/11/1981*.
- Ghali. B.B. (1975). Minorities and human rights in international jurisprudence. *Journal of International Politics*, 11, 1-33.
- Kazem, H.H. (2013). Minority rights in international, regional and national legislations, *Journal of Rights Message Karbala Iraq*, 12, 1-22.
- Mahmood. M.S. (2016). Armed conflicts and its impact on human rights. *Conference of Baghdad*, Baghdad: College of Law.
- Mohsen. A. M (2010). Fundamentals of human rights. *Urban Dialogue*, 3 (3104), 1-12.
- Ramzi. P, (2007). The Rights of Minorities in International Agreements and Covenants, *Urban Dialogue*, 2 (1923), 1-34.
- Rosenthal & Yudin. (1981). *The philosophical encyclopedia* (4<sup>th</sup> Ed.). Beirut: Dar Al-Tali'ah,
- The Lebanese Future Newspaper (2017). Retrieved from <http://www.almustaqbal.com/storiesprintpreview.aspx?Storyid=420915> on May 30 2017.
- United Nations Declaration on the Rights of Minorities 1992*.
- United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities 1992*.
- United Nations Work in the Field of Human Rights 1990*.
- United Nations Human Rights Mechanism 1988*.
- Van Damme, N. (2006). *The struggle for power in Syria: Sectarianism, regionalism and tribalism in politics*. Cairo: Madbouli Library.