

MINORITY RIGHTS FOR IMMIGRANTS: FROM MULTICULTURALISM TO CIVIC PARTICIPATION

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ABSTRACT: *This article asserts that according to international law, immigrants do have rights as a minority, and in abiding by their international obligations, States are obligated to implement policies that safeguard these rights and, in this way, facilitate the integration of immigrants into the host society. However, there are a number of elements that make the practical enforcement of these rights and the implementation of such policies rather complex. Thus, a series of international law provisions are first reviewed so as to be able to establish the foundations of our views. Secondly, we summarize and analyze the main trends of integration policies in three of the main Western immigration countries: Canada, the United States and the Netherlands, in order to broadly present the actions and results. Lastly, we conclude that immigrant integration projects fail to respect immigrants' rights as a minority and that more effort should be made to comply with the international obligations States have assumed*

KEY WORDS: *Immigrants, multiculturalism, civic participation, human rights, minorities.*

RESUMEN: *Este artículo sostiene que, de acuerdo con el derecho internacional, los inmigrantes tienen derechos como minoría, y que los Estados, de conformidad con sus obligaciones internacionales, están obligados a implementar políticas que aseguren estos derechos y, en este sentido, faciliten su integración en las sociedades de acogida. Sin embargo, hay un número de elementos que hacen que el cumplimiento práctico de estos derechos y la aplicación de dichas políticas sea compleja. Entonces, primero, se revisa una serie de disposiciones de derecho internacional con el fin de establecer las bases para apoyar nuestras posturas. Segundo, resumimos y analizamos las principales tendencias en las políticas de integración de tres de los países occidentales más importantes de inmigración: Canadá, Estados Unidos y Países Bajos, con el fin de presentar grosso modo*

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las acciones y los resultados. Finalmente, concluimos que los proyectos de integración de los inmigrantes fallan en respetar los derechos de los inmigrantes como minoría y que se deben realizar mayores esfuerzos con el fin de cumplir con las obligaciones internacionales que los Estados han adquirido.

PALABRAS CLAVE: *Inmigrantes, multiculturalismo, participación cívica, derechos humanos, minorías.*

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I. INTRODUCTION

A frequent question is whether immigrants have rights as a minority. However, it should be noted that under the provisions of human rights instruments, States have the obligation to protect the rights of *all* persons subject to or under their jurisdictions. These instruments are drafted in an inclusive language (all, everyone, etc.) and —generally— protect *all* persons without discrimination, regardless of their citizenship or immigration status. Explicit exceptions to this principle relate, *inter alia*, to political rights¹ and freedom of movement,² but not to minority rights. Therefore, regardless of their culture,

¹ See International Covenant on Civil and Political Rights Article 25, Dec. 16, 1966, GA Res. 2200A (XXI).

² *Id.*, Article 12.1.

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