Proceedings of the 4th International Conference on Global Politics and Socio-Humanities
DOI: 10.54254/2753-7048/2026.35681

State Obligations for Fulfilling Human Rights and the Protection of Cultural Rights of Ethnic Minorities

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Abstract. The cultural rights of ethnic minorities relate to the continuity of group identity, as well as the institutional responsibilities of the state under international human rights law and domestic law. This paper analyzes state obligations from three dimensions: international human rights norms, regional human rights jurisprudence, and Chinese laws and policies. It illustrates that the protection of cultural rights covers both non-interference and positive measures such as education, language, intangible cultural heritage and public cultural services. Taking the Manchu ethnic group as an example, the paper discusses issues including the weakening foundation of Manchu language use, insufficient inheriting subjects, and complicated public historical cognition against the background of modernization, urbanization, and the exchange, interaction and integration among ethnic groups. This paper argues that under the framework of the *Law on Promoting Ethnic Unity and Progress*, cultural rights protection should be understood as a connecting issue between cultural diversity preservation, law-based governance of ethnic affairs, and common prosperity and development.

Keywords: ethnic minorities, cultural rights, state obligations, Manchu ethnic group, Law on Promoting Ethnic Unity and Progress

1. Introduction

The protection of ethnic minorities' cultural rights is an issue that tends to be abstracted in human rights realization, yet is very concrete in real life. Cultural rights are not merely the right to participate in cultural activities; they also involve language, religion, customs, traditional knowledge, historical memory and the continuity of group identity. For ethnic minorities, once cultural rights are weakened, what is affected is often not just a certain form of culture, but the way the group understands itself, expresses itself and participates in public life in society.

International human rights law has incorporated the cultural rights of ethnic minorities into its normative system. As a unified multi-ethnic country, China has also formed institutional arrangements related to ethnic minority cultural protection at the levels of the Constitution, the Law on Regional Ethnic Autonomy, the intangible cultural heritage protection system, the national standard spoken and written language system, and the recently enacted Law on Promoting Ethnic Unity and Progress. The problem is that how to translate cultural rights in legal texts into actual

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protection capacity still needs to be observed in combination with specific institutions and specific ethnic cases.

This paper first sorts out the basic norms of cultural rights in international human rights law. Secondly, it examines the interpretation of state obligations in European and American human rights jurisprudence. Thirdly, it analyzes the institutional foundation provided by relevant Chinese laws and policies. Finally, taking the Manchu ethnic group as an example, it discusses the practical difficulties and possible paths of ethnic minority cultural inheritance in modern society. The Manchu case is representative because it involves multiple issues such as historical narrative, language protection, local cultural resources and the building of a community for the Chinese nation.

2. Protection of cultural rights in the international human rights law system

Article 27 of the *International Covenant on Civil and Political Rights* (ICCPR) clearly stipulates that in States where racial, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, and to use their own language [1]. This provision is generally regarded as the core international norm for ethnic minorities' cultural rights. First of all, it requires the state not to restrict the cultural expression of ethnic minorities through assimilation, suppression or discriminatory measures. Meanwhile, the Human Rights Committee also pointed out in General Comment No. 23 that states should take positive measures where necessary to enable minority groups to actually enjoy these rights [2].

Article 15 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) confirms the right of everyone to take part in cultural life from a more general human rights perspective [3]. Compared with Article 27 of the ICCPR, Article 15 of the ICESCR does not only target minority groups, but interprets the right to participate in cultural life within the rights structure of all people. Members of ethnic minorities should certainly preserve, develop and pass on their own culture on the basis of equality and non-discrimination. It can be seen from this that cultural rights have both the attribute of individual rights and the practical significance of group continuity.

On the issue of ethnic minorities' cultural rights, the 1992 *Declaration on the Rights of Minorities* specifies state obligations in more detail. The declaration requires states to protect the national, cultural, religious and linguistic identities of minority groups and create conditions for the continuity of these identities [4]. It is soft law in itself, but remains useful in the discussion of this paper: it advances cultural rights from "state non-interference" to the level that "the state shall enable such culture to have a place to exist and conditions to continue". In other words, legal recognition is only the starting point. School education, space for language use, public cultural funds and social display opportunities all affect whether cultural rights can be truly implemented.

3. Practice of state obligations in international jurisprudence

From the perspective of international and regional human rights jurisprudence, cultural rights rarely appear in isolation. Many cases ostensibly deal with education, land, life or equality, but actually involve whether a group can continue to maintain its own way of life. The case of *D.H. and Others v. the Czech Republic* before the European Court of Human Rights is a typical example. A large number of Roma children were placed in special schools. The government ostensibly adopted unified testing and school classification, but the result kept this group in a lower educational track for a long time. The court therefore held that formally neutral arrangements may also constitute

DOI: 10.54254/2753-7048/2026.35681

indirect discrimination if their actual effects are clearly unfavorable to specific ethnic groups [5]. The case also involves Article 14 of the *European Convention on Human Rights* and the right to education under Article 2 of Protocol No. 1 [6].

The significance of this jurisprudence to the discussion of cultural rights is that education is not simply the transmission of knowledge. For ethnic minority children, equal educational opportunities directly affect their language ability, social participation and the formation of cultural identity. If the state only emphasizes the formal consistency of rules and ignores inequality in the outcomes of institutional operation, it may cause ethnic minorities to actually lose the foundation for cultural continuity and social mobility.

In the case of *Yakye Axa Indigenous Community v. Paraguay*, the Inter-American Court of Human Rights interpreted indigenous land rights, the right to life and cultural rights as a whole [7]. The Yakye Axa community has long been unable to return to their traditional ancestral lands, and basic conditions for drinking water, medical care, food and housing have not been guaranteed. The court held that land is not ordinary property for indigenous peoples; it connects religious practice, traditional lifestyles and group identity. If the state cannot effectively respond to the issues of land return and basic living conditions, cultural rights will also be substantially damaged.

In the case of *Al-Skeini and Others v. the United Kingdom*, the European Court of Human Rights further clarified that state human rights obligations can extend beyond national boundaries under specific conditions [8]. When a state actually exercises control over a certain region or personnel, it cannot simply evade protection obligations on the grounds of territorial boundaries. Although this case does not specifically discuss the cultural rights of ethnic minorities, it provides an important idea: human rights protection cannot leave a vacuum, and there is a corresponding relationship between a state's actual control and its assumption of obligations.

Taken together, state obligations can be roughly divided into two levels. The first is to avoid direct suppression of or discrimination against ethnic minority cultures. The second is that when education, land, language and public services have affected cultural continuity, one cannot merely claim that rules apply equally to all, but must check whether the outcomes are truly bearable. Cultural rights are therefore not a general value statement. In the end, they must be boil down to specific issues such as how schools allocate resources, whether there are practical scenarios for language use, and whether basic conditions exist for maintaining traditional lifestyles.

4. China's legal system and the protection of ethnic minorities' cultural rights

In Chinese law, the cultural rights of ethnic minorities can first find their basis in the Constitution. Article 4 of the *Constitution of the People's Republic of China* (1982) stipulates that all ethnic groups are equal, and the state safeguards the lawful rights and interests of all ethnic minorities and assists areas inhabited by ethnic minorities in developing their economy and culture [9]. Article 22 on the protection of historical and cultural heritage can also serve as the constitutional basis for the protection of traditional culture and intangible cultural heritage. It should be noted that the Constitution does not frame cultural protection as a single cultural policy issue, but addresses it within the framework of ethnic equality and national cultural development.

The *Law on Regional Ethnic Autonomy* translates this principle into the specific powers of autonomous areas. The law covers the use of ethnic languages and scripts, ethnic education, cultural undertakings, sports, and the development of science and technology [10]. In the view of this paper, the significance of these provisions lies not only in the word "autonomy" itself. Its more practical aspect is leaving room for local adjustment. The language foundation, school conditions and cultural

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resources vary across different ethnic regions. If policies are implemented in a completely uniform way, cultural protection will easily remain on paper.

The *Law of the People's Republic of China on Promoting Ethnic Unity and Progress*, adopted in 2026, adds a new domestic legal background to the issues discussed in this paper [11]. Centering on forging a strong sense of community for the Chinese nation, the law also incorporates contents such as exchange, interaction and integration, and common prosperity and development into the legal text. Applying it to the issue of cultural rights does not mean that ethnic cultural differences should be erased. This paper prefers to interpret it as a balanced arrangement: community building requires common ground, but common ground cannot be separated from the original cultural resources of all ethnic groups. Only when ethnic minority cultures enter the systems of public culture, education and local governance can they continue to maintain their vitality within the community framework.

The *Law on the Standard Spoken and Written Chinese Language* and the *Intangible Cultural Heritage Law* provide more specific institutional tools [12, 13]. The national standard spoken and written language facilitates public communication and social participation, while ethnic minority languages and scripts carry local knowledge, historical memory and cultural expression. In practice, the two should not be simply regarded as a replacement relationship. Instead, they should complement each other through educational arrangements, archive sorting, digital preservation and public cultural services. The Ministry of Education's reply on the structural protection of ethnic minority languages and scripts also indicates that language protection needs to be combined with educational resources, teaching staff and the actual environment of use [14].

There are already many policy levers in place, such as the intangible cultural heritage list, ethnic cultural industries, support for ethnic schools, protection of traditional villages and folk custom display projects [15]. These arrangements do provide entry points for cultural inheritance, but their actual effects are affected by many factors. Urbanization and commercial development may change the original cultural space; bilingual education also faces practical pressures such as teaching staff, teaching materials and enrollment evaluation. Relevant studies have noted that the true implementation of cultural rights does not depend on a single law working alone, but on the gradual accumulation of continuous investment, local implementation capacity and social cognition [16].

5. Case study of the Manchu ethnic group

The Manchu ethnic group occupies a special position in Chinese history. After the Qing Dynasty, great changes took place in Manchu historical narrative and social memory. After entering modern society, the inheritance foundation of the Manchu language, rituals and customs, and traditional knowledge has also been affected by urbanization, population mobility, and the long-term exchange, interaction and integration among ethnic groups. Zhou Enlai's speech on the evaluation of Manchu and Qing Dynasty history actually indicated the complexity between historical evaluation and ethnic relations [17]. When discussing Manchu cultural rights today, we cannot simply revert to old political evaluations, but should focus on cultural inheritance capacity and public historical understanding.

Manchu language protection is one of the most intuitive issues in the Manchu case. Reports indicate that the number of people who can use Manchu fluently is very limited [18]. Even if this figure is not taken as an absolute statistic, it is sufficient to show that Manchu can hardly continue naturally through daily use. Current Manchu language learning and document sorting in some areas rely more on universities, research institutions, local cultural projects and folk interest groups. Language here is not only a communication tool, but also an important entry point for the ethnic group's historical memory and documentary tradition.

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At the same time, Manchu cultural resources do not belong exclusively to a closed group. Manchu language documents, traditional rituals and customs, folk crafts, local history of Northeast China and related intangible cultural heritage projects not only carry cultural significance for the Manchu people themselves, but also form part of the pluralistic and integrated pattern of Chinese culture. In recent years, discussions about the historical role of the Manchu people in cyberspace have sometimes been fragmented and emotional, and some terms and expressions are easily divorced from historical context. For such phenomena, rather than simply classifying them as opposing narratives, it is better to address them through public history education, academic popularization, local museum exhibitions and standardized public expression.

The three northeastern provinces have carried out some practices focusing on traditional Manchu rituals, arts and crafts, local historical memory and the integration of culture and tourism [19]. The significance of these practices lies not only in protecting several items of cultural heritage, but also in re-establishing public scenes for cultural inheritance. For example, traditional Manchu crafts can gain inheritors and display platforms through intangible cultural heritage projects; Manchu language documents can enter the education and research system through digital sorting; local historical memory can be understood by more people through public cultural projects.

With the *Law on Promoting Ethnic Unity and Progress* taken into account, the Manchu case can be interpreted differently: the focus of discussion can shift from "the isolated preservation of a certain ethnic culture" to how to handle specific cultural resources in community building. Problems such as the weak foundation of Manchu language learning, insufficient inheriting subjects, scattered cultural resources and fragmented online historical cognition cannot be solved simply by the slogan of protecting traditional culture. A more feasible approach is to connect intangible cultural heritage projects, local public cultural services, digitalization of Manchu language documents, school or museum education, and culture-tourism integration. In this way, the continuity of Manchu culture can be preserved, and these resources can also become part of the shared spiritual home of the Chinese nation.

6. Conclusion

The cultural rights of ethnic minorities are not abstract human rights slogans. The reason it is difficult to handle is precisely that it always falls into very specific scenarios: whether schools provide equal opportunities for ethnic minority children, whether there is real space for language use, whether traditional lifestyles can be maintained, and whether the public's understanding of a certain ethnic group's history is overly simplistic. International human rights law provides basic rules, and relevant jurisprudence reminds us that state obligations cannot stop at the level of "no active interference". When actual conditions have affected cultural continuity, the state should also adopt more specific policy arrangements.

China's existing system has provided many tools. The Constitution and the Law on Regional Ethnic Autonomy provide the basic framework, while intangible cultural heritage protection, the national standard spoken and written language system, bilingual education policies, public cultural services and the *Law on Promoting Ethnic Unity and Progress* correspond to different aspects such as cultural preservation, social participation and community building respectively. The next focus may not be to elaborate the principles more completely, but to see whether these systems can operate at the local level — for example, whether archives can be sorted out, whether courses have qualified teachers, and whether public cultural projects can be carried out on a long-term basis.

The Manchu case also shows that when writing about ethnic minorities' cultural rights, overemphasizing impairment tends to narrow the issue, while only describing policy achievements

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will evade practical difficulties. A more prudent approach is to acknowledge that modernization, urbanization and the exchange, interaction and integration among ethnic groups have indeed changed the conditions for Manchu cultural inheritance, and at the same time focus the issue on operable mechanisms. Only when the cultures of all ethnic groups can be seen, preserved and continuously used within the community framework can a stable supporting relationship be formed between cultural diversity and social integration [20, 21].

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