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# The Rights Of Minorities In Europe A Commentary On The European Framework Convention For The Protection Of National Minorities Oxford Commentaries On International Law

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Minority Rights in the "new" Europe

Minorities, Minority Rights and Internal Self-Determination

Global Minority Rights

Minorities in International Law

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## **GALLEGOS AMY**

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*Minority Rights in the "new" Europe*  
Martinus Nijhoff Publishers  
From the dawn of modern international law, manifold treaties (especially peace treaties) have recognized the rights of specific minorities in specific territories. Today -- with Eastern Europe once more in turmoil and with minority groups all over the world clamouring for recognition -- there is a growing awareness that, irrespective of the observance of the fundamental freedoms of individuals, minority groups have their legitimate interests that must be appreciated and accommodated. This collection of essays grew out of an international legal colloquium, held at the Faculty of Law of Tel Aviv University in March 1990. Some of the papers have already been published in volume 20 of the Israel Yearbook on Human Rights,

but others are printed here for the first time. The authors come from different parts of the world and represent different legal backgrounds. They are by no means at one in their analysis of the human rights of minority groups, but they all share the sense that problems of minorities cannot be brushed aside or glossed over. It is not too hazardous to forecast that these problems will actually intensify in the 21st century. Whereas they cannot be solved through exclusively legal means, international and constitutional lawyers must do their utmost to identify flash points and to offer at least some prescriptive guidelines. This is the principal purpose of the present volume.

Minorities, Minority Rights and Internal Self-Determination BRILL

This collection of essays examines the legal regime in the post-Cold War era which has developed in response to the demands of ethnic, racial & religious groups in Europe. In essence this volume seeks to examine the 'old' problem of national minorities in the 'new' Europe. The essays examine the response of the main institutions within Europe (i.e. the Council of Europe, OSCE & European

Union), the increasing recourse of states to bilateral arrangements, the developing content of minority rights, the challenges posed by state-building & the resolution of conflicts involving national minorities. Particular issues considered include the minorities situation in the Former Yugoslavia, the situation in Ukraine (in particular in Crimea), the position of the minority Catholic population in Northern Ireland, as well as developments in the context of autonomous regimes & power-sharing arrangements. At the end of the book, a collection of documents, which supplement these chapters & are relevant to minority rights in the 'New' Europe, can be found. Whilst the book's editors are both legal academics from the United Kingdom, the contributors' backgrounds are diverse & varied, originating from a number of different countries, with expertise in a wide variety of areas.

*Global Minority Rights Council of Europe*  
This publication is the first version of the World Directory of Minorities and Indigenous Peoples, published in 1997. The full Directory is now available and continually updated on our website. The large majority of violent conflicts in the world today are conflicts within states, with groups polarized across ethnic and religious divides and not across borders. Ethnic, religious and linguistic minorities are often among the poorest of the poor, suffer discrimination and are frequently the victims of human rights abuses. Time and time again in the past, the United Nations system, governments and even non-governmental organizations (NGOs) working in the field of 'conflict prevention' have failed to promote the human rights of minorities or to take early action to promote cooperation between communities. Early

action may have prevented the loss of millions of lives in many countries, ranging from Rwanda to the former Yugoslavia, and from Sri Lanka to Guatemala. It is also significant that the Nobel Peace Prize was awarded to the Dalai Lama in 1989 and to José Ramos Horta and Bishop Carlos Belo in 1996 as a result of their peaceful campaigns to promote the rights of their people. The situation of minorities is, then, a matter of major concern, and it is essential that accurate, objective and up-to-date information is made available. This Directory contributes to that process. It is difficult to assess accurately what proportion of the world's population identify themselves as belonging to minority communities. Conservative estimates place this above 10 per cent, and some suggest that more than 20 per cent of the world's population belongs to several thousand different minority groups and subgroups. National statistics are often skewed for political reasons, and there is no universally accepted definition of 'minorities'. The word has different interpretations in different societies throughout the world, while the United Nations General Assembly has not sought to reach a definition beyond that implied in the title of the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities adopted in December 1992. Minority Rights Group focuses its work on non-dominant ethnic, religious and linguistic communities, whether or not they are numerical minorities. The concept thus relates to any self-identified community that is marginalized, without power, unable to take decisions over its destiny and often experiencing high levels of illiteracy, under-education and overt or covert discrimination. The basic rights of

such communities need protection and promotion. There is, however, a danger of generalizing about minorities and forgetting the complexity of their social composition, including the rural poor, urban migrants, older people, women and children. These groups may be considered as doubly vulnerable. What makes their situation particularly problematic is that there is often a deliberate political policy on the part of majorities and states not to give due regard to the legitimate interests of minorities, while members of minorities see their identity as central to their social and economic situation. They are often excluded from political power and decision-making in the development process, without equal opportunities to secure a better quality of life. One further danger may lie in regarding ethnicities as fixed, rather than as the potentially fluid phenomena that they often are. 'Situational ethnicity' does occur, and individuals and groups do modify their self-identifications depending on circumstances. Please note that the terminology in the fields of minority rights and indigenous peoples' rights has changed over time. MRG strives to reflect these changes as well as respect the right to self-identification on the part of minorities and indigenous peoples. At the same time, after over 50 years' work, we know that our archive is of considerable interest to activists and researchers. Therefore, we make available as much of our back catalogue as possible, while being aware that the language used may not reflect current thinking on these issues.

*Minorities in International Law* Minority Rights Group

Ethno-cultural and State boundaries seldom overlap. Almost all States have minorities of some kind, with many

belonging to communities which transcend State frontiers. These communities often serve as a bridge between States, fostering a climate of dialogue and tolerance. However, when transfrontier cultural ties take on political significance and States unilaterally take steps to defend, protect or support what they describe as "their kin" outside their jurisdiction, there is a risk of political tension or even violence. To what extent and how can States pursue their interests with regard to national minorities abroad without jeopardizing peace and good neighbourly relations? This is the question addressed by the OSCE High Commissioner on National Minorities in his Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations. The book analyses the Recommendations from the legal and political/security perspective and engages in more general discussion on how questions of national minorities affect inter-State relations.

*Minorities Within Minorities* Routledge  
This book examines the interpretation and application of the right to freedom of religion and belief of new minorities formed by recent migration by the European Court of Human Rights (ECtHR) and the United Nations Human Rights Committee (HRC). New minorities are increasingly confronted with restrictions of their religious practices and have addressed their rights claims both to the ECtHR and the HRC through their individual complaint procedures, which resulted in several contradicting decisions. Based on a quantitative and qualitative empirical analysis of the relevant case law, focusing in particular on the reasoning adopted by the two bodies, this book finds that the HRC in its practice offers a significantly higher level

of protection to new minorities than the ECtHR. Such divergence may be explained by various institutional and conceptual differences, of which the concept of the margin of appreciation is the most influential. It is contended that the extensive use of the concept of the margin of appreciation by the ECtHR in the case law regarding new minorities' right to freedom of religion and belief, and the absence of such concept in the HRC's case law, could be explained by different understandings of the role of an international human rights body in conflicts between the majority and minorities. This book argues that such divergence could be mitigated with various tools, such as the inclusion of cross-references to the case law of other relevant bodies as well as to instruments specifically established for the protection of minorities. The book will be of interest to academics, researchers and practitioners in the area of international human rights law, international public law in general and law and religion.

**A Theory of Liberty** Routledge

"The present guide offers information related to norms and mechanisms developed to protect the rights of persons belonging to national, ethnic, religious or linguistic minorities. It includes detailed information about procedures and forums in which minority issues may be raised to minorities and by also covering selected specialized agencies and regional mechanisms, the present Guide complements information contained in Working with the United Nations Human Rights Programme: A Handbook for Civil Society"-- Introduction.

*Minority and Group Rights in the New Millennium* Oxford University Press on Demand

This new report looks at five themes:

minority identity, the ability of minorities to participate in political and economic life, land/property rights and justice issues. Using case studies and providing practical advice, the authors show why ignoring early warning signs in any of these areas could lead to a build up of tensions and ultimately, violent conflict.

National Minorities in Inter-State Relations OUP Oxford

The year 2012 marks the 20th anniversary of the United Nations (UN) Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities . It was unanimously adopted by the UN General Assembly on 18 December 1992 and is the primary UN document dedicated to the rights of minorities. Minorities throughout the world have benefited from the adoption of the Declaration as the international community recognized and codified their rights, and national governments took action to protect these rights. But there is still a long way to go in order to fully implement this historic Declaration. This guide aims to celebrate the international recognition of minority rights and to help community activists protect their rights at the national and local levels. We hope this guide will promote awareness of the Declaration among minority communities and help ensure that more governments respect the principles that it contains.

*HUMAN RIGHTS OF THE MINORITIES*

Martinus Nijhoff Publishers

This book focuses on trend-setting judgments in different parts of the world that impacted on the rights of persons belonging to minorities and Indigenous people. The cases illustrate how the judiciary has been called upon to fill out the detail of minority protection arrangements and how, in doing so, in

many instances the judiciary has taken the respective countries on a course that parliament may not have been able to navigate. In this book authors from various backgrounds in the practical application of minority protection arrangements investigate the role of the judiciary in constitutional arrangements aimed at the protection of the rights of minorities and Indigenous peoples.

### **The Rights of Minorities in Europe**

Routledge

This publication discusses the main standards and mechanisms created by the Council of Europe and other international organisations to protect the rights of minorities in Europe, including key legal instruments such as the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities, and the European Charter for Regional and Minority Languages. It reviews the monitoring activities in various Council of Europe member and non-member states, both prior to their accession and in their post-accession phase. The publication also includes a detailed examination of the case of the Roma/Gypsies, a specific minority without a 'kin state'.

### *International Law and the Rights of Minorities* Minority Rights Group

The issue of minority rights continues to occupy a sensitive position in international law. Historical as well as contemporary events show that the subject is also capable of engulfing the international community as a whole. The contention of the present study is that international law is in itself a difficult medium for providing adequate rights for minorities and for effectively safeguarding those rights. This volume analyses the weaknesses in the international protection of minority

rights through a detailed examination of the practices and policies of Pakistan. Thought-provoking and original in its approach, this volume will prove to be of enormous value to international human rights lawyers and to scholars engaged in the study of minority rights in South-Asia and Pakistan.

### Litigating the Rights of Minorities and Indigenous Peoples in Domestic and International Courts

Martinus Nijhoff Publishers

This book, the first in the series of publications on minority issues, provides a critical overview of the protection of minority groups in international law. Topics covered include: the definition of a minority, concepts of state sovereignty and self-determination; the historical context to international human rights law; the legal frameworks developed by the UN, the Council of Europe, the Organisation for Security and Co-operation in Europe (OSCE) and the EU; as well as examples of legal approaches adopted by individual European countries to address the protection of minorities.

### The Rights of Minorities in International Law BRILL

Contents: 1. Brief History Of Religion, 2. Studying The Word Right Attitudes Of Jurists And Value Of Familiarity With Rights, 3. Contracts And Legal Value Of International Contracts In Islam, 4. Studying Meaning Of The Word Minority In The Legal System Of Islam, 5. Position Of Rights Of Minorities In The Legal System Of Islam, 6. Legal Freedoms Of Minorities In The Islamic Society, 7. Responsibility Of Minorities In The Islamic Society, 8. Reply To Some Questions And Objections.

Minority Rights Harvard University Press  
The scope of arrangements which provide for some degree of "autonomy"



is almost unlimited, as are the norms and means which have been adopted to protect minority rights. Documents on Autonomy and Minority Rights offer examples of some of the unique structures which have been developed to respond to geographic, political, ethnic, linguistic, and other differences under a single sovereignty. They present a broad spectrum of domestic constitutional provisions, statutes, and political agreements, as well as a comprehensive collection of relevant international instruments. The first section includes documents adopted on a global or regional basis to set standards for the protection of minority rights and the rights of indigenous peoples. The second section includes a wide range of national documents related to minority rights and/or autonomy. The last section contains historical documents. The author has written a brief introduction to each document to give the reader unfamiliar with the situation to which a document pertains enough information to consider its context. No single text can be used as a model of autonomy, for every situation is unique. At the same time, however, greater knowledge of a broad range of successful and unsuccessful arrangements may inspire new ideas with which to address conflicts which have claimed tens of thousands of lives in recent years. At the very least, the ingenuity evidenced in some of the documents should encourage experimentation and underscore the need of going beyond the mere recitation of definitions of federalism, consociation, devolution, or other constitutional models. The great variety of institutional arrangements, the detailed provisions developed to resolve particularly difficult local problems, and

the flexibility in addressing issues such as revenue-sharing or participation in international organizations, demonstrate that neither "sovereignty" nor "self-determination" need stand in the way of innovative solutions.

### **Legal Code of Religious Minority Rights** Springer

The United Nations adopted the Declaration on the Right to Development in 1986. The Declaration recognizes that development is an inalienable human right, and describes development as a comprehensive process leading to the well-being of all people. All states are called upon to cooperate internationally and work nationally to ensure that this comprehensive process in which all human rights can be realized is undertaken without discrimination, and that all people may participate fully and equally in this process. This paper provides an elaboration of the content of the right to development by drawing on international law. It addresses the obligations of states, particularly with regard to international cooperation, and considers the application of obligations of conduct, as well as those of result, in giving this right meaning. This paper also details the rights of minorities and indigenous peoples and how they relate to the right to development. The creation of conditions that enable a state to develop will not necessarily lead to the realization of the right to development by the individuals within that state. Traditionally marginalized groups - notably, minorities and indigenous peoples - may not benefit from this development or may be harmed by it. Even where the right to development is being realized by the majority, the rights of minorities and indigenous peoples could be violated if the process undertaken does not take

account of their rights. The authors discuss the need to have in place the standards to ensure that the protection and promotion of minority and indigenous rights are fully integrated into policies designed to fulfil the right to development. Written in cooperation with the UN Independent Expert on the right to development, this work builds on his contribution to the mandated objectives of the inter-state UN Working Group on the Right to Development. It provides an important contribution to the scope of rights and obligations in this area, and the implications that stem from them, particularly for minorities and indigenous peoples.

Minorities, their Rights, and the Monitoring of the European Framework Convention for the Protection of National Minorities Lulu Publication

In *Minorities, their Rights, and the Monitoring of the European Framework Convention for the Protection of National Minorities*, Malloy and Caruso have collected a number of essays authored by prominent European experts on minority rights with aim to provide a first ever description and analysis of the processes guiding the monitoring of the Convention. The volume addresses both the technical and political side of the monitoring, and it brings in not only views from the host of the Convention, the Council of Europe, but also from the external players that interact with the Convention in the course of seeking to protect Europe's national minorities

### **The Rights of Racial Minorities**

Routledge

The treatment of ethnic and religious minorities by states is a major issue in the closing decade of the twentieth century. Conflict between ethnic groups, and between groups and states colours international relations and politics. The

developments in Eastern Europe and the USSR have led to re-emergence of ethnic and nationalist issues, whilst the problems of national consolidation of new states inevitably raises questions of culture, religion and language.

Minorities rights are difficult to accommodate within the individualist and universalist framework of human rights. International law is required to deal with dilemmas such as individual versus collective rights, passivity on the part of the state towards minority cultures or positive action to promote them, and nation-building as against group self-determination and autonomy. *International Law and the Rights of Minorities* attempts to explore the response of international law to these major questions through detailed analysis of treaty and customary law, including regional treaties. Areas covered include the prohibition of genocide, Article 27 of the Covenant on Civil and Political Rights, the principle of non-discrimination and the related but separable issue of indigenous peoples and international law. Reference is also made to the pre-UN tradition of group protection. *International Law and the Rights of Minorities* concludes with an assessment of the achievements of international law in these areas and explores the possibilities for future progress.

The European Court of Human Rights and the Rights of Marginalised Individuals and Minorities in National Context BRILL

This publication contains information on the statements and judgements made in minority rights court cases by the following international bodies: the European Court of Human Rights (Council of Europe); the African Commission on Human and People's



Rights; the European Court of Justice (European Union); the Inter-American Court of Human Rights, the International Court of Justice; the Permanent Court of International Justice and the United Nations Human Rights Committee. The information is organised under the following subject headings: assembly; association; discrimination; due process; education; effective participation; existence; expression; family life; group identity; international aspects; limitations, derogations and restrictions; linguistic rights; minority issues; religion; and socio-economic rights. A list of case summaries and the text of selected major international conventions in this field are included as annexes.

*The Protection of Minorities and Human Rights* Minority Rights Group

The rights of minorities are becoming increasingly important, especially in the context of enlargement of the European Union, yet there are remarkably few treaties dealing with minority rights under international law. One of these is the Council of Europe's Framework Convention for the Protection of National Minorities. This volume provides the first expert commentary on the Convention, which is the principal international document establishing minority rights in a legally binding way. Many minority rights such as those to political participation, non-assimilation, and the use of native languages are not incorporated in other major Human Rights agreements. The Convention is therefore often taken to be the leading standard in the international law of minority rights. This commentary offers a detailed article-by-article analysis of the Convention, by a group of international legal experts in minority rights. Their commentary draws upon the Convention's negotiating history and

implementation practice, in addition to examining the pronouncements of the Advisory Committee, which is the implementation body attached to the treaty. It offers a clear sense of the concrete meaning of the provisions of the Convention to scholars, students, and members of minority rights groups. The Right to Development Cambridge University Press

The United Nations adopted the Declaration on the Right to Development in 1986. The Declaration recognizes that development is an inalienable human right, and describes development as a comprehensive process leading to the well-being of all people. All states are called upon to cooperate internationally and work nationally to ensure that this comprehensive process in which all human rights can be realized is undertaken without discrimination, and that all people may participate fully and equally in this process. This paper provides an elaboration of the content of the right to development by drawing on international law. It addresses the obligations of states, particularly with regard to international cooperation, and considers the application of obligations of conduct, as well as those of result, in giving this right meaning. This paper also details the rights of minorities and indigenous peoples and how they relate to the right to development. The creation of conditions that enable a state to develop will not necessarily lead to the realization of the right to development by the individuals within that state. Traditionally marginalized groups - notably, minorities and indigenous peoples - may not benefit from this development or may be harmed by it. Even where the right to development is being realized by the majority, the rights of minorities and

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