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MINORITY RIGHTS PROTECTION AT UNIVERSAL AND EUROPEAN LEGAL PERSPECTIVE

kterou přednese

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Přednáška se koná
v pondělí 8. června od 14:30 hodin
v hlavní budově Akademie věd, Národní 3, Praha 1, sál 108

Přednáška bude proslovena v anglickém jazyce bez tlumočení.

Z důvodu omezené kapacity sálu prosíme zájemce o účast o přihlášení na adrese mullerova@ilaw.cas.cz.

Abstract

Protection of human rights in the age of multiculturalism is all about obtaining respect of two basic principles: respect of diversity and prohibition of discrimination. Both principles are indispensably *conditio sine qua non* for national, ethnic, religious and cultural minority rights promotion, respect and protection. In fact, level of minority rights protection is a parameter of democracy in every multicultural state.

International law, both at the universal and European levels, set the standards of individual minority rights protection, i.e. rights of the persons belonging to national, ethnic, cultural or religious minorities. The essence of such a protection has two aspects: providing for minority's survival and preservation of a minority identity. Those are also seen as the core minority rights from which a specific catalogue of individual minority rights derives, such as right to use of minority language and script, right to education in minority language and in accordance with minority culture, history and tradition, right to use minority national symbols, right to public participation, etc.

Although minority rights legal protection is dominantly directed towards individual rights, it is evident that there is important collective dimension of such a protection, especially concerning the rights where interaction among minority members or representation of a group is in question. Here, important assistance to international legal order arrives from the *soft law*, especially through the recommendations and guidelines of the OSCE High Commissioner for National Minorities.

At universal level, there is a modest legal protection – article 27 of ICCPR and 1992 UN Declaration concerned. However, there is also jurisprudence of the human rights treaty bodies, such as the Human Rights Committee which case-law concerned would be presented in the lecture, especially in connection with debate on the relationship between two concepts of minority rights protection: individual or collective protection.

The most comprehensive minority rights protection is realized at the European level. Namely, two legally binding treaties of the Council of Europe - FCNM and ECRML – as well as jurisprudence of its monitoring treaty bodies – Advisory Committee on FCNM and Expert Committee of ECRML give great contribution to application of minority rights throughout Europe. There are, however, several cases of multicultural states that do not accept and recognize existence of minorities, where there is need for rethinking of their concepts. The shortcomings and improvements in particular countries would be presented through an overview of the recent jurisprudence of the ACFC.

In addition, the ECtHR through its jurisprudence relating to the Art 14 of the ECHR and Protocol 12 gives significant impact on better understanding of necessity for equality in public participation rights (ex. Case of *Sejdić and Finci v. Bosnia and Herzegovina*) and so contributing to improvement of respect of minority rights protection standards.

The lecturer would like to cover all the above-mentioned aspects of contemporary minority rights protection, especially through her experience as a member of relevant human rights treaty bodies at the UN and European level.