

The background features a photograph of a large, multi-story brick building with a red-tiled roof and a prominent church spire in the distance. The building has several windows and an arched entrance on the left. Overlaid on the left side of the image are several semi-transparent circles in shades of blue and grey. The text is centered over the building.

European Centre
for Minority Issues

Alexander Osipov

**Protection of Minorities
and its Major Elements**

www.ecmi.de

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Ethnic diversity

Maximum range of cultural, linguistic, religious and other differences

There is a difference between what is seen by an external observer and what is perceived by people in the field!

**Various terms: race, ethnicity, nationality, language
Meanings change!**

Categories of practice and categories of analysis!

Modelling diversity

Recognition of diversity in positive and negative meanings

Different ways of describing:

With a positive meaning

- non-discrimination
- minorities
- multi-ethnic/multi-communal state
- multiculturalism
- etc.

Minorities

- Society as a composition of groups
- Asymmetrical relations between groups

There is no generally accepted definition of minority!

- Number (less than half)
- Cultural and other distinctive characteristics
- Solidarity within a group and the desire to preserve characteristics
- Non-dominant position
- Citizenship of the country of residence

Description of minority

- Which characteristics (language, skin colour, customs, identity, religion)?
- National and ethnic minorities?
- What/who is the majority?
- Minorities vs. indigenous peoples and migrants
- How rooted?
- Old and new minorities?
- Is recognition required?

Protection of minorities

- Protection of minorities – paternalism or...?
- Protection of minorities or protection of minority rights?
- Individual or collective rights?
- Rights of persons belonging to minorities – what is the difference from human rights?

Components of the protection of minorities:

- Equality and having equal rights
- Preservation of characteristics
- Participation in public life

Instruments of the protection of minorities

- **Political declarations**
- **Legally binding documents**
- **Recommendations**
- **Decisions of international courts**
- **Conclusions of international expert committees**

Instruments of the protection of minorities - 2

- Bilateral agreements
- Art. 27 of the International Covenant on Civil and Political Rights (1966)
- CSCE: Copenhagen Document (1990)
- UN: Declaration on the Rights of Persons Belonging to Minorities (1992)
- Council of Europe: Framework Convention (1995)

Equality and having equal rights

Different definitions

Different conceptual approaches:

- Who is compared to whom?
- On which common grounds?
- In which situations?
- What are the criteria of just/unjust inequality?

Equality of formal rights, opportunity of enjoyment of rights, social positions; equality of individuals and groups

Nondiscrimination

Unfair treatment that leads to inequality of persons who differ in certain characteristics

Not all inequality is unjust

Not all inequality is discrimination

Direct discrimination is different treatment of persons

Indirect discrimination is not different treatment, but the presence of conditions that disadvantage certain categories in comparison to others.

How should groups and institutes be compared?



Substantial equality

Positive measures

Special measures

Support of cultural characteristics of minorities is not discrimination

**Concept of “full and effective equality”
(Framework Convention, Art.4)**

Protection of identity

Individual – freedom of choice

Group:

- Inadmissibility of arbitrary non-recognition of groups
- Inadmissibility of forced assimilation
- Inadmissibility of artificial changes in the composition of the population
- Freedom of activities aimed at the preservation and expression of distinctiveness
- Measures of support

Participation in public life

Instruments:

- **Art.15 of the FCNM**
- **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)**
- **CSCE Copenhagen Document (1990)**
- **Lund Recommendations of the OSCE High Commissioner on National Minorities**

Art.15 of the FCNM

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them

Participation

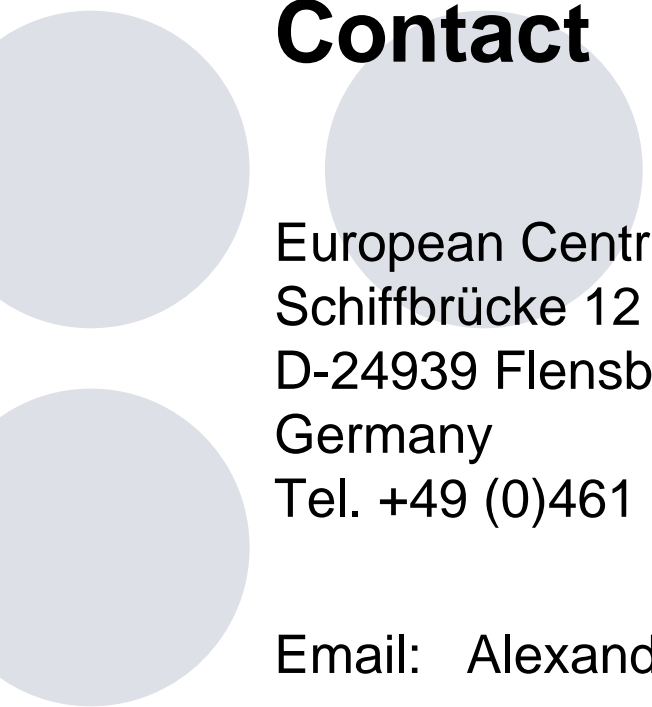
- In which fields of life?
 - As individuals?
 - As individuals with special needs?
 - As organisations?
 - As groups?
- In those fields where there are special needs or in all fields?
- What is the difference from nondiscrimination?

Special mechanisms that ensure participation

- Autonomy
- Language mode
- Guaranteed access to the governmental system:
 - cancellation of percent barrier in elections
 - reservation of seats
 - setting quotas
- Representative structures
- Advisory structures
- Government bodies responsible for communication



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Thank you for your attention!

Дякую за увагу!

Спасибо за внимание!