



## SELF PROGRAM 2024/2025

### The Rights of Minority Groups

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#### Course information

**Number of credits :** 6 credits

**Contact hours :** 30 hours

**Hours taught per week :** 2,5 hours or 3 hours

**Teaching period :** Fall Semester 2024

#### Course description:

How should democracies address the rights and needs of ethnic, indigenous, religious, or national minorities? Should these groups be granted territorial autonomy or have their languages recognized as official? Do religious groups have a right to be accommodated in the public domain? These are some of the pressing questions fueling the heated debate on the existence and scope of minority rights.

Defenders of minority rights argue that members of minorities face disadvantages and exclusion based on their group membership, necessitating a special set of rights to redress these inequities. Critics contend that the claims of minorities can be adequately addressed through a standard set of individual rights that apply equally to all citizens. This debate centers on finding the most appropriate model of citizenship for modern, pluralistic societies. Traditional liberal approaches advocate for a uniform set of rights for all citizens, while proponents of minority rights often support differentiated citizenship, granting distinct rights to members of various groups.

In this course, we will delve into the justification, recognition, and protection of minority rights, focusing on national and ethnic minorities, indigenous peoples, and immigrants. We will explore fundamental questions such as whether groups can hold rights and the implications for individual rights within these groups. Additionally, we will examine scenarios where groups seek to restrict the rights of their members and discuss fair terms of integration for newcomers in pluralistic societies. Our goal is to identify effective ways to safeguard the linguistic, cultural, and political rights of minorities.

Moreover, the seminar will address the challenge of accommodating minority rights within the liberal state, including philosophical, institutional, and legal questions. We will debate the justification for imposing liberal values on illiberal groups, explore power-sharing arrangements, and examine national and international legal frameworks for protecting minority rights. By reviewing several minority protection regimes and evaluating minority rights under American, comparative, and international law, students will gain a comprehensive understanding of the complexities involved in accommodating minority groups in democracies.

Through theoretical discussions and practical case studies, we aim to provide students with the tools to critically assess and contribute to the ongoing debate on minority rights and the most equitable models of citizenship in contemporary societies.

## **Prerequisites:**

No previous study of the topic is required. The course may well be of particular interest to

those with a background in law, politics or even history, but the only prerequisite is an interest in the philosophy, workings and ongoing development of human rights in national and international laws.

## Course objectives:

**1. Critical Analysis of Minority Rights:** To critically engage with the debate on the justification, recognition, and protection of minority rights, focusing on national and ethnic minorities, indigenous peoples, and immigrants. This includes exploring whether groups can hold rights, the implications for individual rights within these groups, and determining the best ways to protect the linguistic, cultural, and political rights of minorities.

**2. Assessment of Legal and Institutional Frameworks:** To examine the challenges of accommodating minority rights within the liberal state by analyzing philosophical, institutional, and legal questions. This involves evaluating power-sharing arrangements, reviewing several minority protection regimes, and understanding the status of minority rights under American, comparative, and international law.

## Assessment:

50% final written exam (in class)

40% work in class (case study)

10% participation in class

## Attendance:

In order to participate, students must be present. Nevertheless, a maximum of 2 (two) unexcused absences will be allowed; otherwise, no mark will be given. An unexcused absence at a test (final test or continuous assessment) means no credits for the course.

## Bibliography:

### SOURCES OF INTERNATIONAL LAW

#### Treaties

#### UN

- [Capotorti, F., Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, U.N. Doc E/CN.4/Sub.2/384/Rev.1.](#)
- [Special Rapporteur on Minority Issues](#)
- [United Nations Guide for Minorities](#)

## Council of Europe

- [Council of Europe Framework Convention for the Protection of National Minorities](#)
- [Council of Europe Thematic Compilation of Commentaries of the Advisory Committee on the Framework Convention](#)
- [Council of Europe Thematic Commentaries of the Advisory Committee](#)
- [European Charter of Local Self-Government 1985 / ETS No. 122 \(CoE\)](#)
- [European Charter for Regional or Minority Languages 1992 / ETS No. 148 \(CoE\)](#)
- [European Convention for the Protection of Human Rights](#). (CoE) The relevant article for minorities is article 14, regarding non-discrimination;, technically, this article must be claimed together with one of the other articles of the Convention
- [The European Outline Convention on Transfrontier Cooperation 1980 / ETS No. 106 \(CoE\)](#) Monitored by the Congress of Regional and Local Authorities in Europe, it has also been important for minority rights protection, see Malloy.
- [Venice Commission, Report on the Preferential Treatment of National Minorities by their Kin-State, 2001.](#)
- [Venice Commission, Report on Non-Citizens and Minority Rights, 2006](#)
- [Venice Commission, Report on Dual Voting for Persons Belonging to National Minorities, 2008.](#)
- [Venice Commission, Compilation of Venice Commission Opinions and Reports Concerning the Protection of National Minorities, 2018](#) (CDL-PI(2018)002)

## EU

- [The Copenhagen 'Criteria' 1993](#). Accession conditions for applicant states.
- The Stability Pact 1995. Most notably, it was designed to offer a framework in which Central and Eastern European countries might attempt to resolve border disputes, address problems of minorities and develop relations with Russia in a post-Soviet era.
- [The Amsterdam Treaty 1997 \(article 13\)](#) and the Equality Directives ([Race Directive or Council Directive 2000/43/EC of 29 June 2000](#) and the [Equal Employment or Council Directive 2000/78/EC of 27 November 2000](#))
- [The Charter of Fundamental Rights 2000](#) (article 21; [EU Network of Independent Experts on Fundamental Rights 2002-2005](#))
- [The Reformed Lisbon Treaty 2009 \(article 2\)](#)
- [EU Report on Minimum Standards for Minorities in the EU \(2018/2036\(INI\)\)](#) - 24-18-2018.

## OSCE - National Minorities

- [Publications by the OSCE](#)
- [OSCE - National Minorities](#)
- [The High Commissioner on National Minorities \(OSCE\) 1992.](#)  
OSCE Recommendations and/or guidelines regarding national minorities:
  - [The Hague Recommendations Regarding the Education Rights of National Minorities, 1996.](#)
  - [The Oslo Recommendations Regarding the Linguistic Rights of National Minorities & Explanatory Note, 1998.](#)
  - [The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note, 1999.](#)

- [Guidelines on the Use of Minority Languages in the Broadcast Media, 2003.](#)
- [Recommendations on Policing in Multi-Ethnic Societies, 2006.](#)
- [The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations, 2008.](#)
- [The Ljubljana Guidelines on Integration of Diverse Societies, 2012.](#)
- [The Graz Recommendations on Access to Justice and National Minorities, 2017.](#)
- [The Tallinn Guidelines on National Minorities and the Media in the Digital Age, 2019.](#)
- [The Copenhagen Document 1990 \(CSCE, now OSCE\)](#). Included for the first time in European history very specific and directional provisions on the protection of national minorities. Not legally binding.

## REFERENCE WORKS

- *Arp, B.*, International Norms and Standards for the Protection of National Minorities: Bilateral and Multilateral Texts with Commentary, *Leiden, Nijhoff, 2008.*
- *Cordell, K.*, Routledge Handbook of Ethnic Conflict, *London, Routledge, 2011.*
- *Hofmann, R. (et al.)*(eds.), Rahmenübereinkommen zum Schutz Nationaler Minderheiten, Handkommentar, *Baden-Baden, Nomos, 2015.*
- *Hofmann, R. (et al.)* (eds.), The Framework Convention for the Protection of National Minorities: A Commentary, *Leiden, Brill, 2018.*
- *Khan, K.A.*, Minorities and International Law, *New Delhi, Mittal Publications, 2016.*
- *Khan, B.U. and M.M. Rahman*, Protection of Minorities: Regimes, Norms and Issues in South Asia, *Newcastle upon Tyne, Cambridge Scholars Publishing, 2012.*
- *Malloy, T.H. and U. Caruso* (eds.), Minorities, Their Rights, and the Monitoring of the European Framework Convention for the Protection of National Minorities: Essays in Honour of Rainer Hofmann, *Leiden, Nijhoff, 2013.*
- *Merino, N.*, Minorities and the Law, *Chicago, Greenhaven Press, 2015.*
- *Ratuva, S.*, The Palgrave Handbook of Ethnicity, *Singapore, Palgrave Macmillan, 2019.*
- *Shahabuddin, M.*, Ethnicity and International Law: Histories, Politics and Practices, *Cambridge, Cambridge University Press, 2016.*
- *Wei, H.H.*, A Dialogical Concept of Minority Rights, *Leiden, Brill Nijhoff, 2016.*
- *Weller, M. (ed.)*, Universal Minority Rights: a Commentary on the Jurisprudence of International Courts and Treaty Bodies, *Oxford, Oxford University Press, 2007.*
- *Weller, M. (ed.)*, *The Rights of Minorities in Europe: a Commentary on the European Framework Convention for the Protection of National Minorities*, Oxford, Oxford University Press, 2006.

## PERIODICALS, SERIAL PUBLICATIONS

- Bedrohte Völker
- Ethnies: Droits de l'Homme et Peuples Autochtones.
- Europa Ethnica
- Europäisches Journal für Minderheitenfragen
- European Autonomy and Diversity Papers [External link](#)
- European Centre for Minority Issues (ECMI) Working Papers
- European Centre for Minority Issues (ECMI) Report
- European Yearbook of Minority Issues

- Indigenous Law Journal
- Indigenous Law Bulletin
- International Annual Report (State of the World's Minorities)
- International Journal on Minority and Group Rights
- Journal of Muslim Minority Affairs
- JEMIE: Journal on Ethnopolitics and Minority Issues in Europe
- MigraLex
- Der Minderheitenschutz im Östlichen Europa
- Minorités linguistiques et société / Linguistic Minorities and Society (Canada)
- Pogrom: Zeitschrift Für Bedrohte Völker
- Bedrohte Völker
- Scholar: St. Mary's Law Review on Minority Issues
- Tribal Law Journal

## DATABASES

- [World Directory of Minorities and Indigenous Peoples](#). This online directory of minorities and indigenous peoples grew out of Minority Rights Group's encyclopedic *World Directory of Minorities*, first published in 1990 and updated and expanded in 1997. This World Directory has been restructured into database format, updated and expanded, and the entire text is now available free of charge for the use of all those throughout the world with an interest in any aspect of minorities and indigenous peoples, their rights, their historical, political or geographical context.

## EXTERNAL LINKS

- [Council of Europe, Venice Commission](#) . See also [Main documents](#) and [documents](#)
- [Eurominority.eu](#). The website of Stateless Nations and minority peoples in Europe.
- [European Centre for Minority Issues](#)
- [Institute for Minority Rights](#)
- [Minorities at Risk Project](#). The Minorities at Risk (MAR) Project is a university-based research project that monitors and analyzes the status and conflicts of politically-active communal groups in all countries with a current population of at least 500,000. The project is designed to provide information in a standardized format that aids comparative research and contributes to the understanding of conflicts involving relevant groups. Selected project materials on more than 284 groups (the MAR database and codebook as well as detailed historical chronologies) are available through this site for researchers, public officials, journalists, students, activists, and others interested in the topic.
- [Minority Rights Group International](#)
- [OSCE High Commissioner on National Minorities](#)
- [OHCHR - Special Rapporteur on Minority Issues](#)
- [OCHCR - Minorities](#)
- [OCHCR - United Nations Guide for Minorities](#)
- [Unrepresented Nations and Peoples Organization](#)
- [World Directory of Minorities and Indigenous Peoples](#)