

# The Impact of Minority Rights Mechanisms

*Rianne M. Letschert*



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# The Impact Of Minority Rights Mechanisms

**Marc Weller, Katherine Nobbs**



## **The Impact Of Minority Rights Mechanisms:**

**The Impact of Minority Rights Mechanisms**, 2011-07-11 **The Impact of Minority Rights Mechanisms** Rianne M. Letschert, 2005 Different cultures languages and religions enrich society If this assumption was embraced by everyone there would not be a problem Unfortunately past and contemporary practice shows a picture of oppression forced assimilation and even destruction of minority groups with characteristics different from the majority Although legal and quasi legal instruments were adopted after both the First and the Second World Wars it was not until after the fall of the Berlin Wall that the protection of persons belonging to national minorities became a really dominant issue in the international legal and political arenas From the beginning of the 1990s States and their international organisations have developed new minority rights instruments and procedures that try to encourage States to live up to their obligations This book focuses on three mechanisms in the field the OSCE High Commissioner on National Minorities est 1992 the UN Working Group on Minorities est 1995 and the CoE Advisory Committee on Minorities est 1997 The core question raised is whether the three mechanisms with the variety of approaches and working methods at their disposal really make a difference in the protection of national minorities Are the interests of the minorities taken more seriously and have they been better protected due to the interventions by one or more of the mechanisms Based on a thorough and critical analysis of the three organisations and their achievements the author comes to a series of conclusions as to a better protection of national minorities Since all three organisations are currently discussing ways to improve the monitoring of minority rights obligations this book will be of great value to all persons and institutions that play a focal role in this study be it as a scholar or as a practitioner Rianne Letschert studied international law at Tilburg University She is currently working as a researcher and General Manager at the International Victimology Institute Tilburg Intervict of Tilburg University The Netherlands *International Human Rights Monitoring Mechanisms* Brice Dickson, 2022-12-08 Brice Dickson examines the engagement of the United Kingdom with international human rights monitoring mechanisms in particular those operated by the United Nations and the Council of Europe since 2000 Dickson explores how these mechanisms work in practice and whether they have any identifiable impact on how human rights are protected in the UK **Minority Groups and Judicial Discourse in International Law** Gaetano Pentassuglia, 2009-07-15 Set against previous stages of minority protection under international law this book discusses the role of courts and court like bodies particularly in the Americas Africa and Europe in articulating and accommodating the interests and needs of ethno cultural minority groups as part of the human rights discourse Conceptually it exposes different moments of intervention by such bodies involving the recognition of group existence or identity the adjustment of human rights norms to accommodate the group s perspectives the establishment of processes designed to address the complexities resulting from competing claims and the expansion of procedural avenues within litigation The result is a fresh comparative practical and theoretical perspective on international jurisprudence as an emerging distinctive component in the complex

history of the field      **Minorities, their Rights, and the Monitoring of the European Framework Convention for the Protection of National Minorities** Tove H. Malloy,Ugo Caruso,2013-08-22 In Minorities their Rights and the Monitoring 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      **Synergies in Minority Protection** Kristin Henrard,Robert Dunbar,2008 Have recent developments in international and European law resulted in an integrated and coherent system of minority protection      **Protection of Minorities** Borhan Uddin Khan,Muhammad Mahbubur Rahman,2013-01-16 We live in a world that not only sets standards for but also professes its commitment to promoting and protecting rights Since ours is an age of heightened public interest in auditing the actual realisation of such standards and commitment the first major focus of this book is a critical account of international standards aimed at the protection of minorities To that end it concentrates on four key dimensions Firstly it addresses the issue of the identification of minorities as understood by international law Secondly it outlines a brief history on the development of international law towards improving the protection of minorities Thirdly it gives an overview of international instruments and mechanisms on minorities Finally it analyses the rights of minorities under international standards All these dimensions point to the fact that international minority rights lag behind the development of other branches of rights The second major focus of this book is to relate international standards on minority protection to South Asian regimes Concentrating on India Pakistan Bangladesh Nepal Sri Lanka Bhutan the Maldives and Afghanistan an endeavor is made to examine the state of minorities and their protection under the domestic regimes It emerges that the normative commitments of these states are more or less compatible with international standards Nevertheless majority minority syndrome persistently remains as one of the causes behind multidimensional deprivation and victimization of South Asian minorities The present book also assesses the extent to which regional cooperation in South Asia has so far contributed to extending protection to minorities This ends with an argument that SAARC South Asian Association for Regional Cooperation has the potential to play a far greater role in this regard      *International Human Rights* Philip Alston,Ryan Goodman,2013 The successor to International human rights in context law politics and morals      **International Human Rights in Context** Henry J. Steiner,Philip Alston,Ryan Goodman,2008 Completely revised and updated to bring it up to date with recent events this popular textbook incorporates a wide range of carefully edited materials from both primary and secondary sources      **Promoting and Protecting Minority Rights** United Nations,United Nations. Office of the High Commissioner for Human Rights,2012 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

**War: The Impact on Minority and Indigenous Children** CATHERINE BARNES,SUHAS CHAKMA,MOHAMED HAMUD SHEIKH MOHAMED,LORNE STOCKMAN ,ANA SILVIA MONZÓN,KRISTINA HEDLUND THULIN,1997-11-01 While children who are members of minority and indigenous communities suffer discrimination at the hands of the majority community in today s armed conflicts where most are fought internally pitching one group against another this discrimination frequently turns to violence with such children seen as legitimate targets despite the wealth of international law to the contrary MRG s Report War The Impact on Minority and Indigenous Children focuses on three recent or current armed conflicts and through interviews with children and others pieces together the effect these wars have had on the Jumma children of the Chittagong Hill Tracts of Bangladesh the Maya children of Guatemala and minority children of Somalia The Report shows that these children have often come to be seen as the enemy being murdered raped or tortured in the course of the war Others have been forced to watch the killing or abuse of their parents and other members of their communities Some have been forced to join militias where they have killed or been killed Yet more have had to flee their homes often without their families and live as internally displaced people or as refugees many have little hope of ever being reunited with their families or of being able to return home A special feature of this Report is its recommendations which aim to help minimize the risks and threats to minority and indigenous children in armed conflicts Each section offers a series of recommendations to the relevant governments and international bodies concerned and these are complemented by a general set of recommendations at the end of the Report

**The Interrelation between the Right to Identity of Minorities and their Socio-economic Participation** Kristin Henrard,2013-01-08 This edited volume sets out to unravel various dimensions of a particular topical question pertaining to minorities and minority protection which has not been explored yet more particularly the socio economic participation of minorities in relation to their right to respect for identity This interrelation and interaction is studied from a multi disciplinary perspective spanning a broad range of disciplines while drawing on a rich variety of case studies covering various corners of the world This interrelation manifests itself in distinctive ways for religious minorities ethnic minorities and indigenous peoples As it is impossible to provide a comprehensive coverage this volume aims to offer a range of articles that reveal the breadth of the theme under review while combining theoretical analysis with fascinating case studies

**Indigenusness in Africa** Felix Mukwiza Ndahinda,2011-04-27 With a Foreword by Prof Asbjørn Eide a former Chairman of the UN Working Group on Indigenous Populations Chairman of the UN Working Group on Minorities President of the Advisory Committee on National Minorities of the Council of Europe Following the internationalization of the indigenous rights movement a growing number

of African hunter gatherers pastoralists and other communities have channelled their claims for special legal protection through the global indigenous rights movement Their claims as the indigenous peoples of Africa are backed by many international actors such as indigenous rights activists donors and some academia However indigenous identification is contested by many African governments some members of non claimant communities and a number of anthropologists who have extensively interacted with claimant indigenous groups This book explores the sources as well as the legal and political implications of indigenous identification in Africa By highlighting the quasi inexistence of systematic and discursive rather than activist studies on the subject matter the analysis questions the appropriateness of this framework in efforts aimed at empowering claimant communities in inherently multiethnic African countries The book navigates between various disciplines in trying to better capture the phenomenon of indigenous rights advocacy in Africa The book is valuable reading for academics in law and all other social sciences such as anthropology sociology history political science as well as for economists It is also a useful tool for policy makers legal practitioners indigenous rights activists and a wide range of NGOs

Dr Felix Mukwiza Ndahinda is Associate Professor at the International Victimology Institute Tilburg INTERVICT Tilburg University The Netherlands

Political Participation of Minorities Marc Weller, Katherine Nobbs, 2010 This Commentary provides the reader with a review of international standards and practice relating to the political participation of minorities Political participation has been increasingly recognized as a foundational issue in the debate about minority rights It is argued that minorities are more likely to feel co ownership in the state if they have the opportunity to participate freely and effectively in all aspects of its governance and that sustained and meaningful engagement will guard against the sense of alienation and exclusion among minorities that often emerges in ethnically divided societies Taking as its starting point the two most important standard setting documents in the field the Lund Recommendations on the Effective Participation of National Minorities in Public Life developed by the Organization for Security and Cooperation in Europe and the Council of Europe s Thematic Commentary on the Issue of Political Participation of Minorities the Commentary locates the international legal entitlement to political participation within the wider context of the right to democratic governance It also considers effective participation in relation to the right to full and effective equality as well as the legal entrenchment of these provisions and implementation mechanisms Individual chapters then consider each of the principal mechanisms aimed at enhancing political participation ranging from procedures covering minority representation in political institutions to consultative mechanisms and autonomy solutions The Commentary draws on a team of experts all of whom are recognized authorities in this specialized area of minority issues

**Victim Advocacy before the International Criminal Court** Elizabeth King, Rianne Letschert, Sam Garkawe, Erin Pobjie, 2022-06-15 This book is a practical guide for advocates interested in the representation of victims before the International Criminal Court ICC It has been developed by experts responsible for the advocacy training of the International Criminal Court s List of Counsel members Written in a readily accessible style this

guide provides a firm grounding in relevant legal doctrine essential advocacy techniques and valuable multidisciplinary perspectives Drawing upon global expertise from legal practitioners specialist advocacy trainers and multi disciplinary writers this book addresses both practical considerations and key challenges faced by ICC victim advocates These include issues such as gender child victims victims of sexual violence special need victims and victims who are themselves implicated in international crimes Through its practical focus on advocacy techniques hypothetical case studies checklists interviews from the field and lists of further resources this manual equips readers with the knowledge and skills necessary to engage in sophisticated ICC victim advocacy This book will also appeal to those interested in the workings of International Criminal Law and in victim advocacy and victimology more broadly

**Protecting Vulnerable Groups** Francesca Ippolito, Sara Iglesias Sánchez, 2015-04-30 The concept of vulnerability has not been unequivocally interpreted either in regional or in universal international legal instruments This book analyses the work of the EU and the Council of Europe in ascertaining a clear framework or a set of criteria suitable to determine those who should be considered vulnerable and disadvantaged It also explores the measures required to protect their human rights Key questions can be answered by analysing the different methods used to determine the levels of protection offered by the two European systems These questions include whether the Convention and the case law of the Strasbourg Court the monitoring mechanisms of the Council of Europe EU law and the case law of the European Court of Justice enhance the protection of vulnerable groups and expand the protection of their rights or alternatively whether they are mainly used to fill in relatively minor gaps or occasional lapses in national rights guarantees The analysis also shows the extent to which these two European systems provide analogous or indeed divergent standards and how any such divergence might be problematic in light of the EU accession to the European Convention on Human Rights

Multicultural Odysseys Will Kymlicka, 2009-02-05 We are currently witnessing the global diffusion of multiculturalism both as a political discourse and as a set of international legal norms States today are under increasing international scrutiny regarding their treatment of ethnocultural groups and are expected to meet evolving international standards regarding the rights of indigenous peoples national minorities and immigrants This phenomenon represents a veritable revolution in international relations yet has received little public or scholarly attention In this book Kymlicka examines the factors underlying this change and the challenges it raises Against those critics who argue that multiculturalism is a threat to universal human rights Kymlicka shows that the sort of multiculturalism that is being globalized is inspired and constrained by the human rights revolution and embedded in a framework of liberal democratic values However the formulation and implementation of these international norms has generated a number of dilemmas The policies adopted by international organizations to deal with ethnic diversity are driven by conflicting impulses Pessimism about the destabilizing consequences of ethnic politics alternates with optimism about the prospects for a peaceful and democratic form of multicultural politics The result is often an unstable mix of paralyzing fear and na ve hope rooted in

conflicting imperatives of security and justice Moreover given the enormous differences in the characteristics of minorities eg their size territorial concentration cultural markers historic relationship to the state it is difficult to formulate standards that apply to all groups Yet attempts to formulate more targeted norms that apply only to specific categories of minorities eg indigenous peoples or national minorities have proven controversial and unstable Kymlicka examines these dilemmas as they have played out in both the theory and practice of international minority rights protection including recent developments regarding the rights of national minorities in Europe the rights of indigenous peoples in the Americas as well as emerging debates on multiculturalism in Asia and Africa      Segregation of Roma Children in Education Sina Van den

Bogaert,2018-11-26 In Segregation of Roma Children in Education Sina Van den Bogaert examines from the perspective of public international law how the Framework Convention for the Protection of National Minorities Council of Europe and the Racial Equality Directive 2000 43 EC European Union have contributed towards desegregation of Roma children in education in Europe The fields of application *ratione personae* and *ratione materiae* of both instruments are discussed as well as their added value Sina Van den Bogaert demonstrates that the Framework Convention and the Racial Equality Directive are complementary instruments and formulates useful suggestions for a more effective monitoring and implementation of both instruments in the field of Roma education This book is the first and only comprehensive scholarly treatment in public international law of the still widespread phenomenon of segregation of Roma children in education      **Legal Code of**

**Religious Minority Rights** Daniele Ferrari,2021-08-12 This volume presents a systematic collection of the various international legal sources that define the rights of religious minorities In a time of increasing tensions around religious minorities this volume presents a systematic collection of international and European documents on the protection and promotion of religious minorities rights The code includes documents from the United Nations the Council of Europe the Organization for Security and Cooperation in Europe and the European Union An index system connects the various sources and norms and emphasizes the strengths and the weaknesses in the legal frameworks of international and European institutions While allowing for further research on the historical and conceptual development in the area the code provides the reader with a new easily accessible tool facilitating experts and actors who wish to improve the knowledge and protection of religious minorities This book will be an invaluable resource for students academics and researchers interested in law and religion international law public law and human rights law the code is also a powerful tool for minorities themselves and for advocates of their rights      **Constitution Writing, Religion and Democracy** Asli Ümmühan Bali,Hanna

Lerner,2017-02-02 This book explores the challenge of crafting a democratic constitution under conditions of deep disagreement over a state s religious or secular identity



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