

The right to participate as part of the European protection of national minorities

Abstract

This thesis provides an insight into the subject of the right of national minorities to effective participation, especially in the light of the European regional level of minority rights regulation. The main goal of the work is to define the specific means and procedures whereby states can ensure the effective participation of persons belonging to national minorities in various areas of public life. The Council of Europe's Framework Convention for the Protection of National Minorities serves as the focal point of the work, as it so far contains the only legally binding provision at European level guaranteeing minorities the right to effective participation.

The thesis itself is divided into four chapters. The initial chapter of the work provides an overview of the right to effective participation in a general sense in the context of international protection of human rights. In the second chapter the author scrutinizes the position of the right to effective participation in documents on minority protection at universal and regional level, as well as in other international conventions that may be relevant in this regard. The following chapters of the work focus predominantly on the above-mentioned Framework Convention.

The third chapter specifically examines Article 15 of the Framework Convention, which aims to secure the effective participation of person belonging to national minorities in public affairs and in the social, economic and cultural life of the society. In this part of the work, the author analyzes the legal nature of this provision and its significance in relation to other minority rights. It is also clarified here that the only the obligation that derives from Article 15 is that the contracting states have to achieve a set result, which is in this case the effective participation of minorities. However, the legislator himself scarcely specifies means to do so.

In the final chapter of the work, the author tries to deal with this inexactness with the help of the work of the Advisory Committee, the expert supervisory body of the Framework Convention, by presenting specified legal instruments and other measures that are deemed by this body appropriate or necessary to ensure effective participation of minority members in various areas of public life.

Key words:

effective participation, national minorities, Framework Convention, Advisory Committee