This contribution on minorities and fundamental rights is structured around the foundational principles of minority protection, namely the right to equal treatment on the one hand and the right to (respect for one’s separate minority) identity on the other.

The right to equal treatment is important to persons belonging to minorities in two respects. Such persons certainly seek an effective protection against discrimination (disadvantageous treatment without reasonable and effective justification) related to their separate identity. In addition they seek (positive) recognition of their separate identity and ‘special’ rights aimed at its protection and promotion, which also further substantive or real, genuine equality. In other words, there is a need to protect persons belonging to minorities from both oppression masquerading as difference and assimilation masquerading as equal treatment (Jackson-Preece 2012: 528). The discussion of the right to identity follows the fundamental rights perspectives of the three dimensions of population diversity usually distinguished, namely cultural diversity, linguistic diversity and religious diversity.

First, the scene is set with a section on the concept of minority, as well as typical characteristics and categories of fundamental rights.

**Setting the scene: minorities, migrants, state integration concerns and (the interpretation of) ‘fundamental rights’**

*Minorities* make for an obvious angle of analysis in a handbook on diversity studies, as one of the essential characteristics of a minority is its separate ethnic, religious or linguistic identity. The lack of a generally agreed upon definition of the concept ‘minority’ goes hand in hand with a broad understanding of a range of essential characteristics, including a separate identity, numerical minority position, non-dominance and wish to hold on to the separate identity. It is exactly the ensuing vulnerable position of minorities which explains why the right to equal treatment in both its dimensions and the right to a separate minority identity are the overriding concerns of minorities and the foundational principles of minority protection.

Traditional discussions of the concept of minority included a nationality requirement and/or the requirement of long lasting ties with the state concerned. Considering the extensive similarities in terms of reality, needs and concerns, it is increasingly accepted that *migrant* groups...
can qualify as (new) minorities and thus are entitled to minority rights. At the same time, arguments are put forward that migrant groups have less strong (minority) rights compared to traditional minorities, since duration of residence and traditional ties are among the relevant parameters for the sliding scale which is inherent in the formulation of these rights (Medda-Windischer 2009).

While explicit state integration policies focus on migrant groups, integration concerns also exist towards traditional minorities. State reluctance to acknowledge the existence of minorities, and the extensive discretion left to states in international agreements on minority rights attest to this. While state concerns regarding traditional minorities are ultimately related to the fear of the emergence of secessionist movements, migrant integration is supposed to counter (the emergence of) parallel societies with different values than the receiving society. In the end, similar questions about the appropriate balance between unity and diversity, about promoting social cohesion, peace and stability are raised concerning migrants and traditional minorities alike (see also Henrard 2011, Pentikainen 2008).

Two features of fundamental rights need to be highlighted. First, human rights law is determined not only by the text of the legal provisions, but also by the interpretation of these norms by the official supervisory bodies. Furthermore, this interpretation tends to be teleological and evolutive, which implies that the interpretation of the text is coloured by its (ultimate) objective, while taking into account changes in society over time. Second, most fundamental rights are not absolute but subject to ‘legitimate limitations’: states can limit the effective enjoyment of fundamental rights provided particular conditions are met. Since limitations need to be proportionate to the legitimate aim invoked, the analysis whether limitations are legitimate implies a weighing of the respective interests at stake, each time taking into account all relevant circumstances of the case (Christoffersen 2009). Notwithstanding this case-by-case analysis, particular trends can be identified.

In relation to persons belonging to minorities, two types of fundamental rights need to be distinguished: general rights (as rights for everyone) and minority specific rights (as rights for persons belonging to minorities). This distinction is clearly visible in UN and Council of Europe standards. Traditionally, the interpretation of general fundamental rights did not embrace substantive equality, and supervisors were reluctant to address identity claims of minorities. However, since the mid-1990s a shift in interpretation has entailed a gradual change in these respects (Henrard and Dunbar 2009). Minority specific rights are all about substantive equality and the right to identity. However, these rights seem very weak because of their formulation, which is replete with conditional clauses. Also, the interpretation by the supervisory bodies has brought a qualitative change, this time by de facto reducing the discretion left to states (Kymlicka 2007; Ringelheim 2010).

The right to equal treatment: formal and substantive equality

This paragraph on the right to equal treatment is structured around the two ways in which the right to equal treatment is important to minorities: (a) an effective protection against discrimination and (b) a right to differential treatment aimed at substantive or real equality in relation to their right to identity.

Regarding the protection against (invidious) discrimination in the sense of unreasonable disadvantageous treatment, the evaluation whether a particular differential treatment amounts to a prohibited discrimination crucially depends on whether the differential treatment is considered to be proportionate to the legitimate aim pursued. The outcome of this proportionality review depends largely on how demanding and intense this review is: the more intense the review, the
higher the level of protection against discrimination (Henrard 2007). A history of discrimination on a particular ground makes that ground ‘suspect’ and raises the intensity of the review. Grounds that are particularly relevant for minorities are race/ethnicity, language and religion. Race/ethnicity is generally recognized as a suspect ground, as is also visible in the fact that at the UN level an entire convention is dedicated to outlawing racial discrimination. While language and religion are usually regarded as components of ethnicity, the supervisory practice does not yet denote them (clearly) as suspect (ibid.: 102, 108). Regarding religion, the situation is more ambiguous: the intensity of the review in cases of invidious discrimination is de facto rather high, but the supervisors are reluctant explicitly to qualify religion as a suspect ground of differentiation. This reluctance appears related to the broad discretion that states are granted concerning decisions about religion–state relations (Henrard 2012a: 73–5; see infra under ‘Religious diversity’).

Traditionally, the prohibition of discrimination was meant to root out differential treatment and was thus focused on formal or mathematical equality. Over time, various shifts in the interpretation of the prohibition of discrimination occurred which allow or even necessitate differential treatment, thus opening towards real or substantive equality. These duties of differential treatment are particularly important for persons belonging to minorities, considering their wish to maintain their separate identity.

Most explicit argumentations in terms of duties of differential treatment are found in the jurisprudence of the European Court on Human Rights (ECtHR), which decided in its seminal Thlimmenos judgment that states also violate the prohibition of discrimination when they fail to treat differently persons that find themselves in substantively different situations, unless there is a reasonable and objective justification not to do so. While this is a very promising theoretical development, the case law of the Court has so far not yielded many examples of duties of differential treatment that would directly benefit the separate identity of minorities (Henrard 2007: 124–6). The UN treaty bodies (supervisors of human rights conventions) similarly acknowledge that the prohibition of discrimination encompasses duties ‘to take affirmative action measures [= differential treatment] in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant’.

Special attention is warranted for duties of reasonable accommodation as a specific type of duties of differential treatment (Howard 2013: 363–6; Jackson-Preece 2012: 529, 533). Duties of reasonable accommodation are about realizing equal opportunities (substantive equality), by evening out barriers to full participation, including (de facto) unequal access to employment, to public services, to education and to social services more broadly. Due to the overlap with duties of differential treatment as a dimension of the prohibition of discrimination, duties of reasonable accommodation are conceivable for all possible grounds of differentiations (Jackson-Preece 2012: 534), and thus also for religion (Waddington 2011: 190f.), ethnicity and language.

When considering the explicit international law standards, however, duties of reasonable accommodation have only been identified for persons with a handicap. Although minority specific rights are not framed in terms of duties of reasonable accommodation, and are not as such related to (a particular dimension of) the prohibition of discrimination, many can surely be understood in that way. This is confirmed by the supervisory practice of minority specific rights, which is replete with accommodation language and references to substantive equality (Henrard 2012b: 81).

The supervisory practice under general human rights conventions has not yet developed explicit duties of reasonable accommodation. Nevertheless, the UN treaty bodies (supervisory bodies of UN human rights conventions) do impose obligations on states, in terms of the prohibition of discrimination, to adopt special measures aimed at substantive or real equality, which
take into account and accommodate the cultural distinctiveness of particular groups. Examples include granting a special legal status to indigenous peoples, entitling them to special rights and protection,\(^6\) and requiring that minority languages are used in the educational system to an extent commensurate to the proportion of the different ethnic communities represented in the student body so as to enable equal access to education.\(^7\)

The ECtHR has so far only once hinted at duties of reasonable accommodation in terms of the prohibition of discrimination in a case of a person with a handicap who was not allowed to do his military service but still needed to pay tax for not fulfilling this duty.\(^8\) In addition, the Court is increasingly using reasonable accommodation lingo and reasoning in cases under the freedom of religion, while still refusing to examine the discrimination claim separately. Furthermore, the Court is so far only willing to identify a violation of the freedom of religion due to a failure to accommodate in cases where the refusal to accommodate is clearly unreasonable and does not fundamentally interfere with state discretion regarding religion–state relations (Henrard 2012b: 76f.). For example, the refusal to accommodate the religiously inspired dietary needs of a prisoner, where this only involved leaving the meat out of the meals, constitutes a violation of the freedom of religion.\(^9\) The Court is much more reserved regarding religiously inspired demands in the work environment, such as wearing the Christian cross at work,\(^10\) or rescheduling a hearing of a case to enable the lawyer to respect a religious holy day.\(^11\)

These duties of differential treatment (including duties of reasonable accommodation) can furthermore be related to the prohibition of indirect discrimination, targeting measures or practices that seem neutral on the face of it but that impact disproportionately on particular groups, without objective and reasonable justification (Henrard 2007: 113 and references therein). Since these apparently neutral criteria de facto favour the dominant culture, the prohibition of indirect discrimination tends to further the accommodation of diversity and benefits with regard to persons belonging to minorities (see also Fredman 2001: 24). Duties of differential treatment can be considered the other side of the coin of the prohibition of indirect discrimination, since differential treatment is needed to avoid the disparate impact (Jackson-Preece 2012: 529). While supervisory bodies now in principle sanction indirect discrimination, the practice used to be rather uneven.\(^12\)

**Separate minority identity: the right to respect**

One’s separate minority identity can be protected directly, through minority specific rights, or indirectly, through the interpretation of general fundamental rights pertaining to a separate culture (Horvath cited in Francioni and Scheinin 2008: 190f.), a separate language (May 2008) or a separate religion (Henrard 2012b; Van der Ven 2008).

Each sub-section first considers the minority specific rights, then the general rights.

**Cultural diversity**

Generally, the minority specific rights (at the UN and Council of Europe level) do not contain many explicit references to culture. Still, these rights are infused by the recognition of the right to identity of minorities, making them overall relevant for cultural diversity.

At the UN level, the individual complaints procedure under article 27 ICCPR (International Covenant on Civil and Political Rights) – the ‘Grundnorm regarding minority rights’ (Henrard 2000: 156) – has so far mainly concerned indigenous peoples and their own way of life. It has clarified that the right to an own way of life also encompasses traditional economic activities
Fundamental rights and minorities

However, the broad discretion left to states implies that a violation of article 27 is seldom found (ibid.: 34f.).

In Europe, the Framework Convention for the Protection of National Minorities does not define the concept national minority, but the supervisory body confirms its applicability to indigenous groups, while inviting states also to consider migrants, at least on an article-by-article basis (Ringelheim 2010). Traditional economic activities that are intrinsically related to minority culture are also protected. Furthermore, the supervisory practice exhibits a recognition of the interrelation between the right to identity of minorities and their socio-economic participation rights. In addition, state duties to promote intercultural dialogue and understanding yield cultural diversity lingo.

General human rights conventions contain only a few cultural rights: some pertaining to education and a right to participate in cultural life. At the UN level, the state duty to ensure that education should promote understanding, tolerance and friendship amongst all nationals and all racial and religious groups promotes the related population diversity, albeit rather indirectly (Martín Estébanez 2008: 220). This theme of multicultural education, promoting respect of all cultures within the state, is actually visible in the supervisory practice of several UN treaty bodies. Traditionally, the right to take part in cultural life seemed to be understood as a right of participation in a general culture (Horvath 2008: 172). Nevertheless, the reference to culture can also be interpreted as encompassing minority cultures (Martín Estébanez 2008: 225). This inclusive vision of culture is visible where the supervisory practice underscores that effective access to socio-economic rights is only realized where this is culturally appropriate (Henrard 2013: 57–62). It should be highlighted that also the supervisory practice under the UN Convention against racial discrimination identifies several state duties to protect and promote the separate culture and identity of minority groups, including migrant minorities. For example, Roma should not be evicted without providing them with alternative, culturally appropriate housing, and indigenous peoples should be provided with culturally sensitive health care.

Early on, UNESCO actively promoted a right to cultural identity (Horvath 2008: 172f.). Three older instruments contain several references to cultural identity, while two more recent ones engage with issues related to cultural identity. In the end, cultural identity is not enshrined as a right, rather as a general value. Nevertheless, it has been argued that contracting parties ‘accept a responsibility to take positive measures in relation to the promotion and protection of cultural diversity’ (Donders 2008: 338).

In Europe, the ECtHR has interpreted the right to respect for private life, family life and home as enshrining a right to a traditional (minority) way of life. The Court has even stipulated that states have a positive obligation to facilitate the Gypsy (minority) way of life. However, at the same time states are granted an extensive discretion in the way in which and the extent to which they fulfil this positive obligation, entailing a rather limited de facto protection (Brems 2010: 671–5; Henrard 2008: 343–5). It seems unlikely that the Court would extend this right to a traditional way of life to migrant minorities.

**Linguistic diversity**

The intrinsic relation between linguistic and cultural diversity is common knowledge. Consequently, not sufficiently protecting, promoting and revitalizing minority languages so that they can be kept has implications for the preservation of the related minority cultures (Eide 1999). As the Expert Mechanism on the Rights of Indigenous Peoples highlighted in its ‘Study on the role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples’: ‘language is the main mechanism in the intergenerational transmission of
indigenous knowledge and is one of the signs of life of indigenous peoples’ cultures. It is one of the essential elements of the identity of indigenous peoples’. This close relation between language and minority identity arguably explains why language is the identity feature which is most prevalent in minority specific rights instruments. It was only in 2009 at the UN level that a case on language rights was decided under article 27 ICCPR. The refusal to register a newspaper in the minority Tajik language, containing inter alia educational materials, amounted to an interference with an essential element of the Tajik minority’s culture, and effectively constituted a denial of the right to enjoy minority Tajik culture and thus was a violation of article 27. The case also clarified that ‘in the context of article 27 education in the minority language is a fundamental part of minority culture’. The supervisory practice furthermore reveals a broader concern with a reported decline of minority languages while recognizing the importance, to counter this trend, of teaching in the minority languages, as well as the use of the minority language at the local government and administration level, and also in court proceedings, if need be with the help of translators and interpreters.

At the European level, there is extensive attention for the use of minority languages, not only in the Framework Convention for the Protection of National Minorities, but also in the European Charter for Regional or Minority Languages. The latter’s primary focus is the protection and promotion of cultural diversity with special attention for the use of minority (and regional) languages (Dunbar 2008: 155f.). Its focus on state obligations concerning the use of these languages is complementary to the individual rights approach of the Framework Convention.

The supervisory practice of both conventions significantly reduces the state discretion, which seems very wide in the provisions themselves. Under the Framework Convention the supervisory mechanism aims to address linguistic obstacles that impede effective access to services, employment and education. Numerical thresholds for linguistic rights should not be set too high and should not be applied rigidly. The importance of mother tongue education is valued so highly that states are even requested to stimulate demands for education in minority languages through awareness-raising among parents. At the same time, bi-lingual education models are promoted to secure and improve the knowledge of the official languages. Furthermore, public service broadcasting should reflect the linguistic diversity existing within a society. More generally, it is argued that

language policies should ensure that all languages that exist in society are audibly and visibly present in the public domain, so that every person is aware of the multilingual character of society and recognizes him- or herself as an integral part of society

(Thematic Commentary on Language Rights, para. 33)

The European Language Charter aims at promoting the use of minority languages in six broad areas of public life, namely education, administrative authorities and public services, judicial authorities, media, cultural activities and facilities and economic and social life. For each of these areas states should select, from a menu of obligations ranging from rather weak to very strong, the obligation level which matches as closely as possible the particular context of each minority language (Dunbar 2008: 170).

Particularly problematic is the exclusion of migrant languages from the field of application of the Charter, especially in the current era of globalization and high migration levels. Notwithstanding the explicit exclusion by article 1, the supervisory practice demonstrates that there is room for flexibility in the application of the Charter, also because the exclusion is limited to languages of ‘recent’ migration (Dunbar 2008: 164f.).
The UN Conventions show that linguistic rights of minorities can be and are also dealt with in terms of general fundamental rights. It is striking that several cases pertaining to linguistic rights of minorities have not been decided under article 27 ICCPR. In the complaint brought by English-speaking businessmen in the province of Quebec that the prohibition on advertising in English violated the freedom of expression, article 27 was not considered applicable because the English speakers in Quebec (being the majority country-wide) could not qualify as a minority. The complaint by Afrikaners in Namibia about the explicit prohibition to civil servants not to use Afrikaans in communications with the public, not even when they were able to speak Afrikaans, constitutes a prohibited discrimination. The imposition of a Latvian spelling of a surname, after decades of using the original form, entailed a disproportionate interference with and thus a violation of the right to respect for one’s privacy. These cases show that it appears preferable to decide a case in terms of general rights, without having recourse to minority specific rights.

In addition, state obligations concerning the use of minority language in the public sphere are identified in terms of economic, social and cultural rights. Concern is expressed about the lack of possibilities for minorities to use their language in dealings with public authorities, and about the absence of minority languages in the public media (Martín Estébanez 2008: 244), while education in the minority language is strongly recommended. Under the UN Convention against Racial Discrimination similar concerns are expressed. Furthermore, states are regularly called upon actively to preserve minority languages, which are part of the national cultural heritage.

At the European level, the ECtHR has very few specific language rights, and then only pertaining to arrest and criminal court procedures. Traditionally this induced the ECtHR to give little or no protection to minority languages in terms of the other convention rights, such as freedom of expression and the right to education (Brems 2008: 680–2). More recently, though, the Court seems willing to protect language rights in order to follow its own teleological interpretation method and its concern for fundamental rights to be real and effective. The Court hinted at a denial of the substance of the right to education when pupils are deprived of education in the mother tongue (ibid.: 683). Similarly, it accepted that the choice of the medium of instruction concerns philosophical convictions of the parents that need to be respected by the state.

Religious diversity

In terms of norms pertaining to religious diversity, the absence of a convention outlawing discrimination on grounds of religion is mirrored by the paucity of minority specific rights concerning religion and religious diversity (Henrard 2012b). The supervisory practice of both general fundamental rights and minority specific rights strengthens this image of ‘relative neglect’ of religious diversity.

At the UN level, it is quite striking that cases on religious minorities are not considered on the merits under article 27 ICCPR, but rather under the prohibition of discrimination or under the freedom of religion. The UN treaty bodies have only dealt with a handful of cases concerning religious diversity, leaving various matters undecided, especially regarding the scope of positive state obligations. Protection is clearly provided against the criminalization of particular religious activities, especially when that leads people to convert to the dominant religion.

At the European level, the Framework Convention does not merit discussion, since no provision of that Convention elaborates on religious minority rights, while the supervisory
practice does not add significant additional protection to persons belonging to religious minorities.

The jurisprudence of the ECtHR is rather promising for religious minorities in several respects, but also has numerous and ongoing problematic features, questioning the degree to which religious diversity is effectively protected (Henrard 2012b: 51–78). The guiding principle of interpretation for the freedom of religion is religious pluralism, while the state has a duty of neutrality towards the distinctive religions in its jurisdiction, ultimately aimed at religious tolerance and harmony. The Court furthermore acknowledges the importance of religious identity in the framework of the protection of human rights. However, at several stages of analysis of an alleged violation of the freedom of religion, the actual protection of religious minorities and religious diversity is not that strong. Ultimately this is related to the Court's reluctance to meddle in choices of states regarding religion–state relations, issues that are uniquely sensitive and potentially explosive (Brems 2008: 656; Henrard 2012b: 56f.).34 This reluctance to take a stance also translates into the Court imposing, in comparison with other fundamental rights, only few positive obligations on states aimed at the effective enjoyment of the freedom of religion (Brems 2008: 680; Henrard 2012b: 55f.). The reluctance is also visible in the grant of a wide discretion to states when they limit the manifestation of a religion because of the lack of a common European standard regarding ‘church–state relations’.

Conclusion

Minorities are a case of population diversity that certainly merit consideration in a handbook on diversity studies. Fundamental rights perspectives on ‘minorities’ and the related diversity are logically structured in relation to the foundational principles of minority protection: an effective protection against discrimination, the realization of real or substantive equality and the right to (respect for the own, separate minority) identity. While only the latter are directly geared towards the diversity (separate identity) aspect, the former are at least indirectly relevant, since they have an enabling and facilitating function towards the related diversity.

In relation to both respects in which the right to equal treatment is important for minorities, several positive assessments and developments go hand in hand with shortcomings and flaws. The effective protection against discrimination for persons belonging to minorities (in relation to their minority status and related separate identity) is improved when the minority identity characteristics qualify as ‘suspect’ grounds of discrimination. Race/ethnicity are generally recognized as ‘suspect’, but this is not (yet) the case for religion or language. Increasingly, the prohibition of discrimination is interpreted as implying duties of differential treatment and thus duties to adopt special measures. However, this has not yet developed in any significant way in relation to persons belonging to minorities.

When discussing the rights that more directly protect and promote minority separate identity, general fundamental rights and minority specific rights reinforce and complement one another, while standards directly promoting cultural diversity (including linguistic diversity) also merit consideration. The preceding analysis has demonstrated that separate ways of life of minorities are protected in theory, but only minimally so in practice due to the extensive discretion left to states. Rights pertaining to religion and religious diversity are in several ways underdeveloped in the legal texts, while the interpretative practice of most supervisors is rather thin. The more extensive jurisprudence of the ECtHR recognizes religious pluralism as a guiding principle, but its grant of an extensive discretion to states in religious matters entails a sub-optimal protection of religious diversity. Rights pertaining to linguistic diversity are not only most elaborated and thus most visible, but also interpreted in ways that strengthen the rights concerned.
The jurisprudence of the ECtHR is rather the exception in this respect, since it remains restrictive overall.

Formulating an overall conclusion for this rich tapestry of standards that pertain to minorities and the related diversity is virtually impossible. Arguably important developments in terms of principles tend to go hand in hand with restrictive de facto protection and promotion of the population diversity concerned.

Notes

1 Although the EU may become an ever more powerful player in Europe in the field of fundamental rights, its competencies concerning culture, religion and language have not been increased (and stay very weak). The EU Charter of Fundamental Rights enshrines in article 22 the Union’s obligation to respect cultural, religious and linguistic diversity, but this does not translate easily into concrete minority protection standards (De Witte 2004: 115) and has not yet translated into policies and concrete action reflecting the conviction that the ‘diversity’ that the Union needs to respect encompasses diversity not only between but also within states.

2 The practice of the treaty body of the UN Convention outlawing racial discrimination clearly reviews language rights, such as rights to mother tongue education, as relevant for the prohibition of discrimination: inter alia conclusions and recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C), Concluding Observations on Albania 2003, para 16; on Ghana 2003, para 20; on Moldova 2008, para 19; on Sweden 2008, para. 18.

3 ECtHR, Thlimmenos v. Greece, 6 April 2000, para. 44 (Appl. no. 34369/97).

4 Human Rights Council (HRC), General Comment no. 18, para. 10; CERD, article 2, and related practice.


6 HRC, Concluding Observations on Japan 2008, para. 32.


8 ECtHR, Glor v. Switzerland, 30 April 2009 (Appl. no. 13444/04).

9 ECtHR, Jakobski v. Poland, 7 December 2010 (Appl. no. 18429/06).

10 ECtHR, Eweida e.a. v. UK, 15 January 2013 (Appl. no. 48420/10).

11 ECtHR, Francesco Sessa v. Italy, 3 April 2012 (Appl. no. 28790/08).

12 The treaty bodies of the UN Conventions against Racial Discrimination and on Economic, Social and Cultural rights embraced indirect discrimination from the beginning, whereas the UN treaty body on Civil and Political Rights and its European counterpart (ECtHR) were traditionally very reluctant to engage with the idea of ‘indirect discrimination’. The former did so in 2001 (see Althammer v. Austria and Derksen v. The Netherlands), whereas the ECtHR only began in 2007 in the Grand Chamber judgment in D.H. et al. v. Czech Republic (Appl. no. 57325/00).


14 HRC Concluding Observations on Hong Kong 2006, para. 3; CERD/C Concluding Observations on Finland 2009, para. 15. See also CESCR/C, General Comment on the Right to Education, para. 50. Similar support for multicultural education is visible in the supervisory practice under the Convention on the Rights of the Child (Henrard 2013: 57).


18 Declaration of the Principles of International Cultural Co-operation (1966); Recommendation on the Participation by the People at Large in Cultural Life and their Contribution to it (1976); Declaration on Race and Racial Prejudice (1978); Universal Declaration on Cultural Diversity (2001); UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005).


20 HRC, Mavlonov and Sal’i v. Uzbekistan, 19 March 2009.


22 See the Thematic Commentary on Language Rights by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM).
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30 ECtHR, Cyprus v. Turkey, 10 May 2001, para. 278 (Appl. no. 25781/94).
31 ECtHR, Catan et al. v. Moldova and Russia, 19 October 2012, paras 143–4 (Appl. nos. 43370/04, 8252/05, 18454/06).
34 This controversial nature of state–religion relations was clearly noticeable in the case on crucifixes in Italian public classrooms: ECtHR, Lautsi v. Italy, 3 November 2009 and Lautsi v. Italy, 18 March 2011 (Appl. no. 30814/06).

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