

**MINORITY PROTECTION: A COMPARATIVE LOOK
AT MINORITY LEGISLATION**

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I. STATEMENT OF PURPOSE

The purpose of this memorandum is to identify through comparative state practice the necessary and common components of minority legislation in contemporary states.

II. INTRODUCTION

The positive participation of minorities in public life is a necessary component of a peaceful and democratic society. Through the experiences of other States, it is clear that in order to promote such participation, governments need to establish specific arrangements for minorities. Minority rights protection should aim to preserve the differences of such groups and protect them from assimilation into the majority culture. Comprehensive minority protection should include anti-discrimination measures, minority rights legislation and the creation of institutions to monitor minority protections. This paper focuses on the aspect of minority rights legislation.

Many States provide for minority protections in their constitutions and/or through including minorities in a combination of separate laws, however recent trend shows that in order to provide for the comprehensive protection of minorities, a separate minorities law is optimal. This brief comparative paper reviews minority legislation from countries throughout the world, analyzing their purpose, content and form. Unfortunately, there are still no clear standards in international law as to what minority legislation must require, however it is a commonly accepted standard that a State must demonstrate “respect for and protection of minorities.”¹ Our research indicates that most states have adopted models that address and incorporate the following areas: (1) identity; (2) language; (3) employment; (4) education; (5) media; and (6) participation in public life.² Additionally, a majority of legislation includes the establishment of institutions to

¹ The European Court of Human Rights noted within Europe an “emerging international consensus ... recognizing the special needs of minorities and an obligation to protect their security, identity and lifestyle.” At the same time, a divided Court pronounced itself “not persuaded that the consensus is sufficiently concrete for it to derive any guidance as to the conduct or standards which Contracting States consider desirable in any particular situation.” *Chapman v. United Kingdom*, ECHR Judgment of 18 January 2001 (No. 27238/95), paras. 93, 94.

² See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008. The rights of minorities are articulated via numerous international standards, including the ICCPR, Art. 27 (acknowledging the rights of minorities to culture, religion and language); the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities the UNESCO Convention Against Discrimination in Education, Art. 5(1)c (recognizing, with qualification, the “right of members of national minorities to carry on their own educational activities”); the FCNM; ECHR, Art. 14 (prohibiting discrimination on the grounds of, *inter alia*, “national or social origin” or “association with a national minority”); the European Charter for Regional and Minority Languages and the OSCE Document of the Copenhagen Meeting of the Conference on the Human Dimension.

ensure full minority protection. This memorandum reviews state practice related to the aforementioned criteria.

III. IDENTITY

Most modern States at least formally recognize the right to free choice of ethnic identity.³ The manner that this right is afforded differs from state to state; examine how Croatia, Latvia, Serbia and Hungary each approach protecting the right to identity.

Both the Croatian Law on the Rights of National Minorities and the Serbian Law on the protection of Rights and Freedoms of National Minorities give minorities the absolute right to freely declare their affiliation to a minority group.”⁴ Whereas, in Latvia, the Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups simply provides for the ability of a minority to restore his/her nationality in official documents.⁵ Conversely, the most comprehensive manner is in Hungary, whereby the Act LXXVII of 1993 on the Rights of National and Ethnic Minorities, defines the right to national or ethnic identity as a fundamental human right and protects the right and privacy of one to identify with a minority as an inalienable individual right. Notably, the Hungarian law goes even further by ensuring the privacy of minorities during a census.⁶

³ See *Minority Protection in the EU Accession Process*, Open Society Institute. Available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008.

⁴ See *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 4 (stating that every citizen “has the right to: declare freely to be a member of some national minority...; to exercise either on its own or together with other members of this national minority or together with members of other national minorities rights and freedoms as determined...)available at <http://www.sabor.hr/lfgs.axd?id=3085> . Last visited 29 October 2008; See *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 5 (stating that “no one may suffer injustice due to his/her commitment or expression of the national affiliation or refraining from doing so” and further “any registration of persons belonging to a national minority obliging the to declare their national affiliation against their will shall prohibited)available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008.

⁵ See *Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia’s Nationalities and Ethnic Groups*, Article 2 (stating that “every Republic of Latvia citizen or person, who is not the Republic of Latvia citizen or a citizen of other state and who permanently resides in Latvia and who has attained 16 years of age, has the right to indicate his/her nationality or to restore his/her nationality in official document in accordance with his/her self awareness or national origin in the procedure according to law) available at <http://www.humanrights.lv/doc/latlik/ethnic.htm>. Last visited 29 October 2008.

⁶ See *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, Articles 3, 7, 8 & 15 (stating that “the right to national or ethnic identity is a fundamental human right, and is legally due to any individual or community” and further prescribes that “the admission and acknowledgement of the fact that one belongs to a national or ethnic group or minority is the exclusive and inalienable right of the individual. No-one is obliged to make a statement concerning the issue of which minority one belongs to” and further noting that on to state that “it is the right of the citizen belonging to a national or ethnic minority to state in secret and anonymously during a census to which minority group s/he belongs to”)

IV. LANGUAGE

International standards set forth that States should take the necessary steps to facilitate the use of minority languages in contacts between public officials and individuals belonging to a national minority and the State should also promote the right to freely use his/her minority language, both in public and in private and also both orally and in writing.⁷ State practice varies in how protection is provided for within its minority legislation.

In Croatia and Serbia, members of national minorities are given the right to freely use their language and script for both private and public use, including the right to set up signs and other information in the language and script they are using.⁸ Going a few steps further, along with Hungary, these countries set forth conditions as to where minority language can be used in local governments, as well as providing that Federal laws and regulations should be published in the language of national minorities and finally by giving the right to minorities to be educated in their own language.⁹ Hungary, further provides the most comprehensive approach to language protection throughout its law on minorities, starting with the individual right to have religious services conducted in his/her mother tongue and proceeding to rights of minority communities to create the necessary conditions to educate in the mother tongue.¹⁰ Conversely, Latvia's law

available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008.

⁷ Framework Convention for the Protection of Minorities Article 10(1) available at <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>; International Convention on Civil and Political Rights Article 19 (2) available at http://www.unhchr.ch/html/menu3/b/a_ccpr.htm; European Convention on Human Rights and Fundamental Freedom Article 10(1) available at <http://www.echr.coe.int/nr/rdonlyres/d5cc24a7-dc13-4318-b457-5c9014916d7a/o/englishanglais.pdf>; See also *Minority Protection in the EU Accession Process*, Open Society Institute. Available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008.

⁸ See *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 10 available at <http://www.sabor.hr/fgs.axd?id=3085>. Last visited 29 October 2008; See also *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008.

⁹ *Rights and Freedoms of National Minorities in Serbia*, available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008.

¹⁰ See *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008 (stating in Article 11 that a person belonging to a minority has the right to respect minority traditions concerning family life, to cultivate family relationships, to celebrate family feasts in his/her mother tongue, and to require that the religious services associates with these feasts be performed in his/her mother tongue); (relaying in Article 13 that persons belonging to a minority have the right to (a) learn, foster, enrich and pass on their mother tongue, history, culture and traditions; (b) participate in education and cultural activities in their mother tongue); (determining in Article 16 that it is the right of minorities to cultivate and develop their historical traditions and language, to preserve and enrich their intellectual culture, and their culture as incarnated by physical objects); (proclaiming in Article 18(3)(a) that minorities have the

provides far less specific and insufficient protections for the languages of minorities, stating only that the government institutions must promote the conditions necessary for the development of languages of the nationalities and ethnic groups residing within Latvia.¹¹ It is important to note that many states enact a separate individual law to address the protection of minority languages.¹²

Additionally, States can acknowledge the status of a minority languages by recognizing it as an official language of the state. For example, Iraq's addition of the Kurdish language in its constitution gives the Kurdish language official status in Iraq. On the other hand in Romania, where they are struggling to pass a minority law, they have a passed a separate law making it legal to use a minority language in the public administration in regions where more than 20% of the population are of one ethnic or national minority communities (Law of local public administration 215/2001, Article 17).

V. EDUCATION

Several international instruments set forth that State's should provide minorities with the right to receive an education in one's mother tongue as well as providing that it is the duty of the State to foster the knowledge of culture, history, language, and religion of their minorities.¹³

In Europe, the main focus surrounding education in minority languages is the degree of state sponsored minority language education – from kindergarten to the university level or less. The approach is diverse depending on the size of minority population.

The Croatian minority law gives national minorities the right to education and schooling in the language and script that the national minority is using.¹⁴

right to initiate the creation of the necessary conditions for kindergarten, primary, secondary and higher education in the mother tongue or 'bilingually').

¹¹ See *Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups*, Article 10 available at <http://www.humanrights.lv/doc/latlik/ethnic.htm>. Last visited 29 October 2008; See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008 (noting that there are particular concerns regarding the protection of language rights of minorities in Latvia where about 43% of the population do not speak Latvian as a first language).

¹² See Romanian Law on Public Administration, April 2001 available at <http://www.legislationline.org/upload/old/20fe61792d723a1bd6d25c0f882219fo.pdf>; Slovak Law on the Use of Languages of National Minorities No. 184/1999 Coll, adopted on 10 July 1999 available at http://www.culture.gov.sk/uploads/pE/07/pE071V59b5_SZDqXyakQRQ/act_languageminorities.pdf.

¹³ See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008 (noting that the FCNM, Art 14(2); UN Declaration, Art.4; UNESCO Convention, Art. 5; and the Copenhagen Document, para 34 all support the right to receive education in one's mother tongue); (noting that FCNM, Article 12 (1), Copenhagen Document, para 33, UN Declaration, Art 4 all support the obligation of the State to foster knowledge of the culture, history, language, and religion of their minorities).

¹⁴ See *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 11 available at <http://www.sabor.hr/fgs.axd?id=3085>. Last visited 29 October 2008.

Serbia specifies that minorities have the right to education in their own language in pre-school, elementary and high school institutions but that this does not exclude the mandatory studying of the Serbian language.¹⁵ In Hungary, the education of minorities in their mother tongue or bilingually may be provided in kindergartens, schools, or in classes or groups within schools, according to local possibilities and demands.¹⁶ It is also important to note that this law specifies that the extra costs of minority education will be met by the state and the municipal government.¹⁷ Still, some states such as Latvia or Romania, govern the education of minorities in separate education laws.¹⁸ Romania's Education law provides education in Hungarian at all levels including at the university in many disciplines (such as law colleges). In addition, these laws also provide for the right to express, preserve, develop the culture and traditions belonging to minority groups.¹⁹

VI. ACCESS TO MEDIA

The right to produce and disseminate minority language publications, television and radio programs and the right of access to public and state media are essential to the rights and protections of minorities. International practice dictates that states must not hinder private minority media and also must facilitate minority access to public media.²⁰

Article 18 of Croatia's law gives the task of promoting the understanding for members of national minorities to the radio and television stations of national, regional and local levels (and states that the financing of such will be set forth for

¹⁵ See *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 13 available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008.

¹⁶ See *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, Chapter 6 (stating, in part, that at the request of the parents or legal representatives of eight students belonging to the same minority group, it is compulsory to establish and run a minority class or group) available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008.

¹⁷ See *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, Article 44 available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008.

¹⁸ See *Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups*, Article 10 available at <http://www.humanrights.lv/doc/latlik/ethnic.htm>. Last visited 29 October 2008

¹⁹ See *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 12 available at http://www.osce.org/documents/fry/2002/03/124_en.pdf (stating that minority groups have the right to find separate cultural, artistic and scientific institutions, societies and associations in all aspects of cultural and artistic life). Last visited 29 October 2008; See *Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups*, Article 10 available at <http://www.humanrights.lv/doc/latlik/ethnic.htm> (stating that the Republic of Latvia government institutions should promote the creation of material conditions for the development of the education, language and culture of the nationalities and ethnic groups residing within Latvia's territory, foreseeing defined sums from the government's budget for such purposes). Last visited 29 October 2008

²⁰ See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008 (noting that international norms oblige states not to hinder the flourishing of private minority media, and to take measures not merely to allow but to facilitate minority access to public media).

in the state, local and regional budgets), further the law states that national minorities have the right to perform activities of public information consistent with the law.²¹ Serbia provides further direct protection of minority rights to access the media by asserting that the “state shall provide information, cultural and educational content in the language of national minorities in programs of the public service TV and radio, and may also establish special radio and TV stations to broadcast programs in the language of the national minorities” and additionally provides that all persons whom belong to national minorities shall have the right to establish and maintain media in their own language.²² Latvia provides that “national societies, associations and organizations have the rights to use government mass media, as well as to form their own mass media”.²³ Whereas, Hungary calls for a separate act to ensure that public service television and radio stations produce and broadcast national and ethnic minority programs on a regular basis²⁴

VII. PARTICIPATION IN PUBLIC LIFE

International law compels states to recognize and create conditions necessary to ensure that the rights of minorities to participate in public life and in public decision making are protected.²⁵ A number of mechanisms are utilized at national or local level in order to create the means to ensure political participation for minorities as well as to protect their right to be employed in the public service.

a. POLITICAL REPRESENTATION

In addition to being represented (as determined by a separate act) in the national assembly, Hungary employs a broad scheme whereby minorities have a system of elected minority self-governments, which have the authority over educational and cultural issues, and a limited role in the affairs of the regular governments.²⁶ While seemingly a fair idea, it has been noted that the role of the

²¹ See *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 18 available at <http://www.sabor.hr/fgs.axd?id=3085>. Last visited 29 October 2008.

²² See *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 17 available at http://www.osce.org/documents/fry/2002/03/124_en.pdf. Last visited 29 October 2008.

²³ See *Law on the Unrestricted Development and Right to Cultural Autonomy of Latvia's Nationalities and Ethnic Groups*, Article 13 available at <http://www.humanrights.lv/doc/latlik/ethnic.htm>. Last visited 29 October 2008

²⁴ See *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, Article 18 available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf>. Last visited 29 October 2008.

²⁵ See *Lund Recommendations on the Effective Participation of National minorities in Public Life*, The Foundation of Inter-Ethnic Relations, June 1999, available at http://www.unhcr.org/refworld/publisher_OSCE...3dde55274.o.html

²⁶ See *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf>. Last visited 29 October 2008

minority governments has emerged as purely a consultative body that sometimes is ignored.²⁷ Similarly, Serbia calls for ability of minorities to create National Councils of National Minorities, which are to be financed by the federal budget and created for the purpose of exercising the rights of self-government regarding the use of language and script, education, information and culture. Again, this body seems to function as a consultative party to the regular government of Serbia.²⁸ Croatia employs an intricate system of minority self-governments and guarantee of representation in the Croatian Parliament. Members of national minorities elect no less than five and no more than eight of their representatives in special election constituencies, pursuant to the elections law. This guarantee is further broken down in to representation numbers of minorities according to percentages of the population of Croatia.²⁹ Romania grants one seat in the Chamber of Deputies for all recognized minorities in Romania.³⁰

b. PUBLIC EMPLOYMENT

Beyond prohibiting any form of discrimination against minorities, the state should aim to protect the right of minorities to be employed by the public service. The Law on the Protections of Rights and Freedoms of National Minorities in Serbia sets out a separate article of the law stating that “In respect of employment in public services, including the police, attention shall be paid to the national composition of the population, appropriate representation and competence in the language spoken in the territory of the relevant body or services.”³¹ Croatia calls for the creation of a National Minorities Committee to be established for the “participation of national minorities in the public life of the Republic of Croatia.”³² Further, Article 10 of the Hungarian Act of the Rights of National and Ethnic Minorities states that “participation in public life by a person belonging to a minority must not be restricted.”³³

²⁷ See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008

²⁸ *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008

²⁹ See *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 19 -38 available at <http://www.sabor.hr/fgs.axd?id=3085> . Last visited 29 October 2008.

³⁰ Constitution of Romania - ARTICLE 62 ((2) Organizations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only.)

³¹ *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 21, available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008

³² *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 35 available at <http://www.sabor.hr/fgs.axd?id=3085> . Last visited 29 October 2008.

³³ *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008

VIII. INSTITUTIONS FOR MINORITY PROTECTION

Most, if not all, States have established or enriched institutional organizations that assist and deal with issues which affect minorities. Both official governmentally financed and run institutions as well as organizations established and run by civil society are imperative to improve the situation for minorities and to address minority rights violations.

a. Official Bodies

The primary responsibility of many official organizations is to oversee financial support of minority organizations and to provide advice to the government regarding minority issues. The authority of these official organizations need to allow them to be included in the implementation and organization of the governments minority policy.³⁴ In Croatia, the law calls for the creation of a National Minorities Council, described as a non-profit legal entity and run by the ministry in charge of affairs of general administration.³⁵ In addition, Croatia sets out the requirement to establish the National Minorities Committee for the participation of national minorities in the public life of the Republic of Croatia. This Committee cooperates with the competent government bodies and bodies of self-government units, National Minority Councils, or representatives of national minorities, associations of national minorities and legal entities performing activities by means of which minority rights and freedoms are being exercised. The purpose of the Committee is mostly for consideration and suggestion of regulation and solution of issues connected to exercising and protection of rights and freedoms of national minorities.³⁶ In Hungary, the law calls for the establishment of an Office for National and Ethnic Minorities to meet the government's responsibilities related to national and ethnic minorities in Hungary. This office is an autonomous agency of public administration with nation-wide authority, working under the supervision of the Minister of Justice. The Office is a budgetary institution with full rights and independent management, its budget is an independent item within the chapter of the Ministry of Justice.³⁷ Romania developed a wide range of institutional framework and mechanisms to promote minority rights. Previously the Ministry of National and Ethnic Minority Affairs, in the present a Department supervised

³⁴ See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008

³⁵ *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 25 available at <http://www.sabor.hr/fqs.axd?id=3085>. Last visited 29 October 2008.

³⁶ *The Constitutional Act on the Rights of National Minorities in the Republic of Croatia*, Article 35 available at <http://www.sabor.hr/fqs.axd?id=3085>. Last visited 29 October 2008.

³⁷ *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008

by the Prime Minister's Office and financed by state budget implements programs to strengthen minority communities in the country. On the other hand a Minority Council and an inter-ministerial committee were created in order to shape the Romanian government's strategy and policy towards minority issues.

b. Civil Society

As official governmental institutions often do not have sufficient means or authority to document abuses and directly assist minorities, civil society organizations have been confronted with assuming a large role in the protection of minority rights. While these organizations are not normally set out for in legislation, it is important for the government to support their creation and growth in order to ensure the full protection of minorities.³⁸

IX. OTHER PROVISIONS

While the topics reviewed above are the main common elements found in legislation on protecting minority rights, these topics are by no means all inclusive. Many other factors need to be taken into account and many other provisions appear in individual States' minority legislation. This section attempts to briefly review some of the additional provisions seen amongst varying minority laws.

a. PROTECTION FROM RACIAL HATRED

International instruments require that States "take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity."³⁹ While, this issue must fully be addressed in a State's criminal code, the specific protection from such acts of racially and ethnically motivated violence should be set forth in the law that protects the rights of minorities.

b. PROTECTION OF PROPORTION OF POPULATION/ASSIMILATION

Due to the direct correlation between the percentage of minorities in a Population of a given area with the representation level of minorities, these populations must be protected from interference that would alter their level of

³⁸ See *Minority Protection in the EU Accession Process*, Open Society Institute (2001) (stating that the number of NGOs involved the protection of minority rights has grown markedly in recent years and that NGOS are responsible for some of the most innovative efforts to improve minority rights protection as well as to provide victims of discrimination with legal advice and assistance) available at <http://www.eumap.org/topics/minority/reports/minority01-02>. Last visited 28 October 2008.

³⁹ FCNM, Art.6 (2)

representation. Therefore, it is common practice to include provisions prohibiting measures that would change the proportion of population in a territory inhabited by national minorities in minority legislation.⁴⁰

c. ANTI-DISCRIMINATION

While a majority of contemporary States employ separate comprehensive anti-discrimination legislation, it is also customary to include recognition of minorities' rights and protection from discrimination based on their minority status within minority protection legislation. Provisions prohibiting any form of discrimination based on national, ethnic, racial, or linguistic basis against a person belonging to a national minority should be included in any minority legislation.⁴¹

d. EQUAL OPPORTUNITY

Minorities should be afforded equal opportunity under the law regarding all forms of life. Legislation on the protection of minorities must guarantee the equal opportunities of minorities for such things as (but not limited to) political, cultural, employment, and education.⁴²

X. CONCLUSION

The positive participation of minorities in public life is a necessary component of a peaceful and democratic society. While, there are still no clear standards in international law as to what minority legislation must require, from our brief review, it is evident that some commonly accepted standards have emerged. Most states reviewed have adopted models that address and incorporate, it least, the following areas: (1) identity; (2) language; (3) employment; (4) education; (5) media; and (6) participation in public life. Additionally, it is clear that legislation should include the establishment of institutions for minority protection; protection from racial hatred; protection of proportions of the population; anti-discrimination and equal opportunity provisions. Further, it is important to note that the support of civil society institutions is essential in providing for the complete protection of minority rights.

⁴⁰ *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 22, available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008

⁴¹ *Law on Protection of Rights and Freedoms of National Minorities in Serbia*, Article 3, available at http://www.osce.org/documents/fry/2002/03/124_en.pdf Last visited 29 October 2008

⁴² *Hungarian Act of 1993 on the Rights of National and Ethnic Minorities*, Article 6 & 9 available at <http://www.helsinki.hu/docs/Act%20LXXVII%20of%201993.pdf> Last visited 29 October 2008