

a pandemic are especially needed to prevent the consequences of people's loss of livelihoods. Priority should be given to protecting the rights of people with severe mental disorders and psychosocial disabilities. These actions play an important role in ensuring national protection systems for people with mental illness during a pandemic.

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## CONSTITUTIONAL AND LEGAL STATUS OF NATIONAL MINORITIES IN CENTRAL AND SOUTH-EASTERN EUROPEAN COUNTRIES

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Nowadays the problem of legal regulation of national minorities is one of the most relevant; in addition, sometimes it became a reason for difficult conflict situations in the modern world. Therefore, ensuring their collective rights and relations with a titular nation should be based on tolerance and mutual respect. In response to geopolitical situation of Central and South-Eastern Europe countries, their multi-ethnic, multi-religious and multi-lingual population diversity outlines particular attention to legal mechanism ensuring the rights and freedoms of the national and ethnic minorities. The purpose of the study is to characterize the peculiarities of the constitutional regulation of the national minority status of Central and SEE.

**Material and methods.** In writing this article Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN), The Framework Convention for the Protection of National Minorities (CoE), The convention on providing the rights of persons belonging to ethnic minorities (CIS), constitutional legislation of Czech Republic, Slovak Republic,

Romania and others were used. To analyze normative documents a formal legal and comparative legal method of research was used.

**Findings and their discussion.** The problem of the political and legal status of national minorities in this region has been repeatedly the topic of discussions by international and regional organizations – the UN, PACE, the European Parliament. In modern Europe 87 indigenous peoples live, of which 33 constitute an ethnic majority in at least one sovereign state, and the remaining 54 are ethnic minorities. [10]. The relationship between the ethnic majority and minority determines the stability of the development of states.

International experts have not yet come to a uniform understanding of the term "national minorities". Thus, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities defines minorities as "distinctive national or ethnic, cultural, religious and linguistic groups" [1]. The complexity of the definition is associated with the variety of situations, in which national minorities live: some are located compactly, separate from the dominant part of the population, others are dispersed throughout the state, often outside of it. Some minorities have an awareness of their collective identity, their own written language, while others retain only a fragmentary idea of common history and origin. There are also subjective factors of national and cultural identification of persons as members of a minority. The situation is sometimes complicated by the fact that representatives of an ethnic minority are in an unequal legal position due to discrimination by the dominant ethnic group, to some extent socially isolated from the rest of society, which leads to a heightened sense of group solidarity, belonging to "One whole". International Covenant on Civil and Political Rights in Art. 27 asserts that "the protection of the rights of persons belonging to national or ethnic ... minorities contributes to the political and social stability of the states in which they live" [6]. According to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, States (Article 4) must create conditions that allow persons "belonging to minorities to express their characteristics and develop their culture, language, religion, traditions and customs, with the exception of those cases when a specific activity is carried out in violation of national legislation and contrary to international standards" [1]. By PACE resolution of March 9, 2012 No. 1866 (2011) "Additional Protocol to the European Convention on Human Rights with regard to National Minorities" 5 "minimum standards" for the status of national minorities and their members were formulated: the right of every person freely express their affiliation with a national minority; political rights (in particular, freedom of association, the right to form political parties, participation in elections, representation in government at the national and regional levels); cultural rights, including the right to cultural autonomy and the preservation of national identity; the right to decide on various forms of autonomy in accordance with European practices as well as national or regional traditions;

the right to freely use the language of minorities in private and public life, especially in relations with administrative bodies, when carrying out legal proceedings in the territories of their traditional residence ” [8].

The Council of Europe Framework Convention requires strict observance of the rights and freedoms of national minorities: “the upheavals that took place in European history have demonstrated that the protection of national minorities is a necessary condition for stability, democratic security and peace on the European continent” [7]. For a long time, the problem of national minorities in the CEE states was hushed up or it received insufficient attention from the legislator, which led to the emergence of separatism of non-titular peoples, to the disintegration of Yugoslavia, the partition of Czechoslovakia, the emergence of civil wars in a number of countries of the region in 1990-1995.

A number of countries in the region, after overcoming ethnopolitical contradictions, came to the conclusion about the need for a more detailed consolidation of national minority rights at the highest legal level, which is embodied in their newest constitutions. So, the Constitution of Slovakia in sect. IV "Rights of national minorities and ethnic groups" in Art. 34 guarantees "citizens who form ... national minorities or ethnic groups, full development." At the same time, the Basic Law fixed the provision that “the solution of issues related to minorities should not pose a threat to the territorial integrity of the state” (Article 34, paragraph 3).

In the Constitution of Serbia in sect. 2 “Human and minority rights and freedoms”, recognizing the supremacy of international human rights standards, it was emphasized that "the purpose of protecting inalienable human and minority rights is to protect human dignity and the realization of freedom and equality, based on the rule of law", ... " it is prohibited to discriminate on racial, sexual, ethnic, religious and other grounds ”(Art. 21), “Discrimination against national minorities”(Art. 76).

The state guarantees their "equality before the constitution and the law" (Art. 75), in the administration of the state, "protection of national, ethnic, cultural, religious specificity, the right of association and cooperation with compatriots" (Art. 80), strictly "prohibits compulsory assimilation of members of national minorities” (Art. 78). Article 80 of the Constitution "Development of the spirit of tolerance" enshrines the mandatory maintenance of "intercultural dialogue between people, regardless of national, ethnic, linguistic, cultural groups." However, according to the constitutional provisions, “in the case of restriction of the rights and freedoms ... of minorities, all state bodies, in particular the courts, must consider the content of the restricted right, the expediency of the restriction, its nature and limits ..., the ratio of the restriction to its goals and capabilities ” (Article 20).

An integral part of the Constitution of the Czech Republic is the Charter of Fundamental Rights and Freedoms. In ch. 3 "Rights of National and Ethnic Minorities" it proclaims that "belonging to any national, ethnic minority should

not harm anyone." Citizens are guaranteed the right to education in their native language, to use it in official bodies, to participate in the resolution of issues related to national and ethnic minorities (Article 24). However, the constitutional acts do not specifically enshrine the right of separate representation of national minorities in the highest bodies of state power.

**Conclusion.** Thus, the CEEC countries have accumulated quite a wealth of experience in regulating the legal status of national and ethnic minorities. At the constitutional level, states recognize their collective rights, the equality of citizens regardless of race, nationality and ethnicity, guarantee national minorities comprehensive development, the right to preserve national customs and culture, the development of their native language (the right to disseminate and receive information, education in their native language, create national organizations, participate in solving state issues related to national minorities, etc.), respect for the ethnic, cultural, linguistic and religious identity of persons belonging to a national minority. All of the above creates conditions that will strengthen peace and harmony in these countries. The experience of constitutional and legal consolidation of the status of national minorities in the CEEC countries can be implemented in Belarusian national legislation.

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