The existence of diversities within nation-states is a shared feature of European as well as of Asian jurisdictions. With the likely exception of indigenous peoples, who represent a fairly more relevant phenomenon in Asia, quite similar are also the main factors of diversity, such as nationality (or ethnicity), religion, traditions, lifestyle, language. In both regions, protection of minorities – including gender-wise and cultural or social structurally weak segments of society – has gradually become one of the controversial issues of constitutionalism, centred as it is on the balance between unity and uniformity of rules on the one hand and, on the other, differentiation and self-rule, with regard to territorial and/or religious self-government, as practiced by regimes of religion-based personal laws in significant parts of Asia. When such a balance is not achieved, conflicts with various degrees of violence between the majority and minorities have occurred and still do occur. Prevention of such conflicts thus becomes part of notions of communitarian or consociational democracies that, although with differences, is experienced in both regions and are reflected in the form of government.

The International Workshop contributes to a better knowledge and understanding of the conceptual and normative background of minorities’ protection in South and Southeast Asia by exploring some national case-studies, by examining the contribution given by the international dimension, by making reference to the social and cultural setting of their respective societies. Comparing experiences and concepts in Asia and in Europe is expected to allow the elaboration of models and, ultimately, to enhance their circulation and cross-fertilisation.

International Workshop
Constitutional Protection of Minorities
Comparing Concepts, Models and Experiences in Asia and in Europe
May 4th and 5th, 2018
Conference Room, Palazzo di Giurisprudenza via Verdi 53, Trento

Programme

Friday, May 4th, 9.00 – 12.45
First Session: Case Studies in Protection of Minorities in Asia
Chair: Joseph Marko, University of Graz
Protection of Minorities in Myanmar, Malaysia, Singapore
Jaclyn Neo, National University of Singapore (NUS) and Visiting Professor at the Faculty of Law, University of Trento
Protection of Minorities in India
Dominique Arionante, University of Campania “Luigi Vanvitelli”
Protection of Minorities in Nepal
Maia Malagoli, City University of London
Protection of Minorities in the Philippines
The Experience of the Autonomous Islamic Region of Mindanao
Roberto Toniatti, University of Trento
Discussant: Pasquale Viola, University of Campania “Luigi Vanvitelli”

Friday, May 4th, 14.15 – 18.15
Second Session: Individual and Collective Approach to the Domestic and International Protection of Minorities
Chair: Pamela Stephens, Vermont Law School, Fulbright Scholar at the Faculty of Law - University of Trento
The Ambiguity of the non Collective Approach to Minority Rights in the European Framework Convention
Francesco Palermo, EurAc, Bolzano/Bozen, University of Verona
The Individual Approach to Protection of Human Rights in the ASEAN Declaration
Michelle Stagg Kelsall, University of Nottingham
Constitutional Rights and Legal Systems: Protection of Minorities through Personal Laws
Francesco Alicino, LUM Jean Monnet, Bari and School of Government LUISS, Rome
Factors of Diversity in Asian Societies
Wilfried Swenden, Co-Director Centre of South Asian Studies, University of Edinburgh
Discussant: Angelo Rinella, LUMSA University, Rome

Saturday, May 5th, 9.30 – 12.45
Third Session: Asian and European Constitutional Concepts of “Minorities” Compared
Chair: Roberto Toniatti, University of Trento
Concepts of Minority in Constitutional Law in Asia
Alexander Fischer, Jindal Global Law School, New Delhi
Concepts of Minority in Constitutional Law in Europe
Joseph Marko, University of Graz
Discussant: Jane Meck, University of Trento

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