
The Concept of Human Rights and the Rights of National Minorities in the Serbian Constitution

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Article Information*

Review Article • UDC: 342.7:323.15(497.11)(094.5)

Volume: 22, Issue: 2, pages: 82–93

Received: April 9, 2025 • Accepted: September 1, 2025

<https://doi.org/10.51738/kpolisa.2025.2r.007>

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We have no known conflict of interest to disclose.

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* Cite (APA): Rapajić, M., & Logarušić, D. (2025). The Concept of Human Rights and the Rights of National Minorities in the Serbian Constitution. *Kultura polisa*, 22(2), 82–93, <https://doi.org/10.51738/kpolisa.2025.2r.007>



The concept of human rights and the rights of national minorities in the Serbian Constitution

Abstract

In this paper the authors first discuss the concept of human rights as a set of rights and freedoms which belong to all people. Broader definitions determining this concept may include the terms which refer to inalienability of human rights and freedoms and their origin in natural law. In order to better understand the concept of minority rights, the authors of this paper decided to draw your attention to the classification of human rights and freedoms. Then, the author's focus changes to general discussion on the rights of national minorities. It is of crucial importance to understand that the concept of national minorities includes only autochthonous population which throughout the history inhabited the country and hold its citizenship. It does not include economic migrants, refugees and asylum seekers which are considered to be temporary residents of the country. The Republic of Serbia Constitution guarantees to national minorities equal rights and freedoms reserved for all citizens. With the application of the normative-dogmatic method, it is indicated that the Constitution contains special provisions where national minorities are guaranteed special individual and collective rights. Individual rights are exercised individually and collective rights are exercised in national minority communities in compliance with the Constitution, law and international treaties. At the end of the paper, the authors conclude that human rights and freedoms, including the rights and freedoms of minorities, can be exercised only in a democratic society.

Key words: the concept of human rights, classification of human rights, minority rights, the Constitution of the Republic of Serbia.

Introduction

In legal theory, human rights are often defined as a set of rights and freedoms which belong to all people. Broader definitions determining this concept may include the terminology which refers to inalienability of human rights and freedoms and their origin in natural law. It is said that all human beings are born free with the rights and freedoms which belong to all other people. All human beings own the same corpus of human rights no matter in which country they live. Human rights are independent of the will of the state or any other authority. They are not granted to people by a merciful state authority, nor a merciless authority can take them away. An individual human being is the master of his rights, even when they are not foreseen by the constitution or other legal acts. The term "human rights" has not been always used, the first expression that was applied in this context was "the rights of man". "This expression was changed to "human rights" on the initiative of Eleanor Roosevelt (the wife of American president Franklin D. Roosevelt) who noted that the expression "the rights of man" was basically excluding women and that these rights should be equally applied to them" (Krivokapić, 2017, p. 10).

The term human rights may include various concepts, i.e. different matters. Diverse comprehensions of human rights can be summed up into following: 1) a specific concept; 2) basic, legally protected human rights and freedoms; 3) concrete legal solutions; 4) testimonials from practice; 5) precisely defined human rights and freedoms which belong to concrete people, i.e. groups; 6) the field of law which

regulates the matter of human rights and freedoms; 7) a special course which is taught in law schools and related colleges. Speaking about human rights as a specific concept, it is, actually, a specific form of social philosophy which looks after the legal and factual position of individuals and groups. In the first place, it is about their protection from unlawful actions of authorities in terms of ensuring conditions for their unhampered survival and development. Fundamental, legally protected human rights and freedoms belong to all human beings, or to specific, particularly vulnerable categories of people. Here we are speaking about human rights and freedoms as legal institutes. They are listed and more precisely defined by internal public law regulations (i.e. constitutions and laws), as well as by the provisions of international public law (such as international treaties or decisions of international organizations). Concrete legal solutions are expressed in legal norms and they are obtained through the analysis of legal regulations. Thus, we can say, for example, that economic and social rights in some countries are just formal proclamations, but, in essence, they are not fully developed. Testimonials from practice may point to the fact that human rights in certain countries are well developed and fully respected, while in others they are flagrantly violated.

In fact, human rights can be identified with publicly defined human rights and freedoms which belong to concrete persons or groups. The scope of all rights and freedoms that belong to one individual are his subjective human rights. They are different from the rights belonging to other persons in terms that, in addition to basic or general human rights, these individuals are entitled to some other rights dependent on their personal status (if the individual is, for example, a child, mother, refugee, worker, a person with a disability, a citizen of a particular country, etc.). When we speak about human rights, we can also refer to the field of law which regulates the matter of human rights and freedoms. It is an objective normative system that encompasses legal norms and principles which regulate this sphere of social relations. Its concise name is human rights law and in that context we can speak about international and national (internal) human rights law. International human rights law is a specific part of international public law, while internal human rights law consists of relevant norms included in the constitution and other internal legal acts of a certain country. Finally, in order to educate lawyers who will possess specific legal culture related to respecting human rights and significance of their promotion, majority of law schools in the democratic countries and communities which cherish the spirit of tolerance, have a course included in their curriculum whose title includes the key words - human rights.

Human rights and freedoms is another, more detailed name for human rights. The use of this phrase is aimed at making a difference between human rights and freedoms and underlining the fact that individuals or groups are entitled to request from their country's authorities to be active in ensuring the guaranteed rights. Also, it means that individuals and groups should be free from any type of state interference into their rights and that the state should not impede the enjoyment of fundamental freedoms. Human rights should be distinguished from the situations where certain people or groups have special powers. It is important to note that these situations do not constitute human rights, such as immunity and privilege of the representatives of executive authorities in the country or abroad, immunity of the state presidents, prime ministers, members of parliament, benefits, immunity and privilege of consular staff (in the receiving country), benefits, immunity and privilege of the officials from the international organizations in member states, etc.

Classification of human rights and freedoms

Constitutional and legal position of the citizens in a certain country is determined in terms of human rights and freedoms. They are used to build the relationship between the individuals and the state and between the individuals themselves. A citizen enjoys certain rights not only as an individual, but also as a member of a group, a collectivity. The matter of human rights and freedoms can be considered in a more comprehensive way if we take into account the fact that there are various criteria for their classification. Thus, one classification refers to the division of human rights and freedoms to the rights of active and passive status, depending on the role which citizens play in their relationship with the state and the role which the state exerts on them. The rights based on which citizens participate in the formation of government bodies, such as voting rights, the right to political organization, expression of political opinion and freedom of press are the examples of the rights of active status. The rights of passive status are those aimed at protecting individual's private and personal sphere of life in relation to the state. Their goal is to protect the citizens from the state authorities. It assumes that the state should remain restrained and includes inviolability of private property, secrecy of correspondence, freedom of thought, conscience and religion, the right to dignity, physical and mental integrity, etc.

Another important classification is the classification to the rights of man, citizen and national. This distinction was first made in French Declaration of the Rights of Man and of the Citizen from 1789. The rights of man are those which belong to each man as a human being. They are given by birth. The state authorities can only acknowledge and protect them by their legal acts. The rights of man by origin belong to the oldest group of rights since they are inseparable from the human being. The rights of citizens, or civil rights refer to the holders of political rights. Citizens have certain rights which make them active subjects of political life, from the freedom of speech, freedom of press, voting rights, to the right to education and participation in cultural life. Political rights and freedoms, on the other side, impose on citizens political responsibility. Civil rights are, by origin, younger than natural rights. They are recognized and exercised only in the countries with constitutional and democratic social order.

The word nationality, (French: *nasionalité*; German: *Nationalität*; Spanish: *nacionalidad*; Italian: *nazionalità*) has etymological roots in Latin language and generally marks the relationship between the state and the individual. Different states have different concepts of nationality/citizenship based on the difference between personal and territorial validity of legal order. In the states which adopted Roman law as the basis of their legal systems, nationality or citizenship represents the legal status of an individual (*status civitatis*). This status entails certain rights and duties which are independent from the will of an individual (Dimitrijević, 2008, p. 291–292).

In order to exercise certain rights, citizens must establish a relationship with the state based on public law, which is called citizenship. Being a national or a citizen of a certain country means that, besides the rights he exercises as a man and citizen, he is also entitled to certain rights and freedoms, and bound by duties, such as voting and other political rights or duties in domain of security - defense of the country, or in financial sphere - paying taxes. There is also another classification of human rights into ethical and legal rights. Ethical rights are based on moral judgments and views existing in a certain social community which are not obligatory, but if they are turned into a legal norm, then they become legally binding. Legal

regulations, unlike ethical rules, are the part of the country's positive law and they are embedded in constitutions, international treaties, laws and by-laws, but can be restricted by ethical reasons which are transformed in a legal norm. Constitutions, by rule, do not comprise all rights and freedoms, only the basic ones. These rights are directly implemented, they enjoy constitutional and legal protection before constitutional and regular courts and they are, therefore, called constitutional rights. Certain rights and freedoms are regulated by constitution only in principle, while the relevant laws regulate their content in more details.

In general, constitutions do not regulate how to acquire or terminate the citizenship of one country. These issues are regulated by separate laws on citizenship. In order to prevent the existence of stateless persons, the Constitution of the Republic of Serbia of 2006, in its Article 38, paragraph 3, states: "Any child born in the Republic of Serbia shall have the right to citizenship of the Republic of Serbia unless conditions have been met to acquire citizenship of some other country". Republic of Serbia protects its citizens by offering the following guarantees based on Article 38, paragraph 2: 1) a citizen of the Republic of Serbia may not be deprived of citizenship; 2) a citizen of the Republic of Serbia may not be expelled; 3) a citizen of the Republic of Serbia may not be deprived of the right to change the citizenship. Moreover, the Republic of Serbia protects the rights and interests of its citizens abroad. In that context, Article 13 of the Constitution states: „The Republic of Serbia shall develop and promote relations of Serbs living abroad with the mother state“.

The next classification of human rights is to individual and collective rights based on the criterion which is, in fact, the answer to the question who is the holder of these rights. Individual rights belong to all individuals regardless of his or her belonging to a certain class or group. "For majority of rights and freedoms we can use general determinant that every individual is the subject of a right" (Orlović, 2018, p. 72). Collective rights are the rights which belong to individuals as the members of certain groups entitled to those rights. "These rights should ensure the preservation of the identity and interests of the given group whose members would not be able to exercise them if they were not officially recognized." (Marković, 2021, p. 98). Based on the subject of rights, they can be classified into personal, political, economic, social and cultural rights. This classification is made in accordance with the sphere of life they aim to protect. While personal rights are aimed at protecting personal values and goods, political rights enable citizens' participation in public and political sphere of life. Economic rights protect the assets which constitute the foundation of economic system, and they are related to work and ownership. Social rights ensure social security and protection of socially vulnerable citizens. Cultural rights allow individuals to participate in cultural life, i.e., enable them to express cultural segments of their personality. Minority rights represent a separate group of rights and freedoms. Namely, the members of minority groups, national or religious, in addition to the rights enjoyed by general population, are entitled to another set of rights in order to preserve the identity of their minority group. They are specific political rights aimed at protecting their language, letter, cultural and social identity and connection with compatriots. Rights and duties of foreigners constitute a separate group of rights. Foreigners, by rule, may enjoy all the rights and freedoms except those reserved for the citizens of the given country.

Karel Vasak (1929-2015) is the author of the classification of human rights into three distinct generations. The first generation includes civil and political rights. They are also called "blue" rights which are, by their nature, the rights of negative status and they demand that state should remain restrained

and unobtrusive. Economic, social and cultural rights belong to the second generation of rights and they are often called “red” rights. They are younger and more positive in nature than the first generation of rights and they demand active participation of the state. The third generation of rights is also called solidarity rights, or “green” rights and they include collective or group rights, such as the right to self-determination, the right to economic and social development, the right to a healthy environment, the right to natural resources, the right to sharing of cultural heritage, the right to intergenerational equity and sustainability, etc. Certain countries have created constitutional mechanisms which protect the rights of third generation. Thus, Hungary has appointed a Parliamentary Commissioner for Future Generations, or Finland has established a Parliamentary Committee for the Future. In addition to Vasak’s three generations of human rights, the fourth generation of human rights has come to light. It includes the rights not covered by the third generation, as well as the reconceptualization of the first and second generation rights, particularly in relation to development of information and communication technologies and cyber space.

Generally on the rights of the members of national minorities

For a very long time religious minorities belonged to the family of minorities enjoying the guaranteed protection, but after the First World War the minority groups are considered to be only those with chief defining characteristics related to a nation. The definition of national minority, in addition to those that can be found in theory, is given in one international legal document – Draft Additional Protocol to the Convention on the Protection of Human Rights and Fundamental Freedoms of 1993 which refers to the individuals belonging to national minorities. This definition states that “National minority is a group of persons in a state who a) reside on the territory on that state and are citizens thereof, b) maintain long standing, firm and lasting ties with that state, c) display distinctive ethnic, cultural, religious or linguistic characteristics, d) are sufficiently representative, although smaller in number than the rest of the population of that state, or of a region of that state, e) are motivated by a concern to preserve their culture, their traditions, their religion or their language. From this definition, it is obvious that a national minority represents one part of the population of the given state, with distinctive language, culture, religion and customs.

It is important to note that national minorities include only autochthonous population which inhabited the given state throughout its history and which are the citizens of that state.

This excludes economic migrants, refugees, asylum seekers, etc. which are considered to have temporary residence in that state (Marković, 2014, p. 486).

The protection of the persons belonging to national minorities is performed as anti-discrimination measure aimed at ensuring the equality with the rest of the citizens, the majority population of the state. The persons belonging to national minorities are granted additional rights and measures aimed at securing their national, religious, cultural and ethnic identity. Hence, in addition to universal human rights, national minorities are guaranteed other specific rights in order to preserve their specific national self-importance. The first type of general rights are enjoyed by all citizens of the state, while the other, specific rights, are reserved only for the members of national minorities. The essence of minority rights, or minority protection, lies in these specific rights and not in the right to a specific territory. There is no international instrument

that guarantees political and territorial autonomy to national minorities. Article 2 of the United Nations Declaration on the rights of persons belonging to national minorities states the following:

Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation (United Nations General Assembly, 199, Article 2).

Incidentally, the United Nations Declaration on the rights of persons belonging to national minorities is not legally binding document. National minorities and ethnic groups represent two groups of citizens of one state which are, according to their national and ethnic characteristics, smaller in number than the rest of population. This division is made based on the fact whether the members of a minority are the part of a nation or of an ethnic group which has not been constituted as a nation yet. In theory it has been emphasized that national and legal criteria for making the division into these two groups of citizens of the same state, which are smaller in number than the rest of population, are different. Thus, national minorities are presumed to include the persons belonging to one nation which has its own mother state, but who live on the territory of other states, created by other nations.

An ethnic group is presumed to be the part of the nation which does not have its own state, but is aware of its ethnic descent, culture, language, tradition, history, religion and customs. In other words, the issue of national minority is the issue of ethnic substance and not the issue of the number of persons belonging to this minority, because this can lead to an absurd situation that mother nation in one state, on the territory predominantly inhabited by persons belonging to a national minority can be treated in its mother state as a national minority (Marković, 2014, p. 487).

Also, the important element of the concept of national minority is desire, i.e. the willingness of national minority to express its specific characteristics. In multinational states, the reality of social life is reflected in the existence of national minorities. Even if multinational states are characterized as civic states, this reality cannot be avoided and these states must guarantee and protect the rights of national minorities. It has been noted throughout history that minorities' demands have ranged from the recognition of their specific personal and cultural traits, to the demands for territorial autonomy and federalization of the state. In relation to the rights of the persons belonging to a national minority, it is important to determine three things: first, which group of people has the characteristics of a national minority; second, which are those specific national traits that should be the subject of protection, and third, what are the mechanisms for the realization and protection of minority rights in real life.

The right of national minorities in the Constitution of the Republic of Serbia

Let us begin from the concept of human rights foreseen in the Constitution of the Republic of Serbia of 2006. This section of the Constitution included the Charter on human and minority rights and civil liberties from 2003 and relevant provisions from the Constitution of 1990. That is why the theory rightly states an attitude that we also share, because it is completely grounded and critically oriented:

This part of Constitution is considered to be a failure with good reason. It is unnecessarily lengthy and detailed and, one can say it freely, in contrast to the nature and diction inherent to writing of constitutional norms. Today in EU member states there is no constitution with so much text on human and minority rights as in Serbian constitution, and, just based on this comparison, one could say that Serbia is the leading country in Europe in terms of the number of human rights it guarantees and protects. This needless narration in the Constitution could have been avoided just by listing and defining certain fundamental human and minority rights and then stating that the constitution recognizes and guarantees all other human and minority rights acknowledged by international law, with subsequent quoting of the sources in which these rights are recognized (Marković, 2006, p. 11).

In this broadly set concept of human rights, a special section is dedicated to the rights of persons belonging to national minorities, which should be noted as a positive mark. Thus, the Constitution of the Republic of Serbia guarantees to the persons belonging to national minorities special individual or collective rights in addition to the rights guaranteed to all citizens by the Constitution, depending on the fact whether Individual rights are exercised individually or collectively, in community with others, in compliance with the Constitution, law and international treaties.

Persons belonging to national minorities shall take part in decision-making or decide independently on certain issues related to their culture, education, information and official use of languages and script through their collective rights in compliance with the law. Persons belonging to national minorities may elect their national councils in order to exercise the right to self-governance in the field of culture, education, information and official use of their language and script, in compliance with the law (National Assembly of the Republic of Serbia, Article 75, paragraph 2-3).

The legal nature of these national councils raises certain dilemmas, particularly in relation of the application of law which regulates their position, work and funding. In accordance to the Law on national councils of national minorities, it is an indisputable fact that national councils are legal entities which become legal subjects by filing an entry in the Register of National Councils kept by relevant ministry. In practice, the question is raised whether it is a government or non-government body.

In theoretical papers it has been often emphasized that the activities of national councils in practice are partially those of state bodies and partially of local administrative bodies. At the same time they have characteristics of non-government organizations and, as a result of such a mixed legal position, they are categorized as *sui generis* bodies in the legal system of Republic of Serbia (Djurić, 2017, p. 284).

In accordance to the Constitution of the Republic of Serbia, members of national minorities shall have a right to: expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity; use of their symbols in public places; use of their language and script; have proceedings also conducted in their languages before state bodies, organizations with delegated public powers, bodies of autonomous provinces and local self-government units, in areas where they make a

significant majority of population; education in their languages in public institutions and institutions of autonomous provinces; founding private educational institutions; use of their name and family name in their language; traditional local names, names of streets, settlements and topographic names also written in their languages, in areas where they make a significant majority of population; complete, timely and objective information in their language, including the right to expression, receiving, sending and exchange of information and ideas; establishing their own mass media, in compliance with the law. Under the Law and in compliance with the Constitution, additional rights of members of national minorities may be determined by provincial regulations. Thus, the Constitution foresees that members of national minorities may establish educational and cultural associations, which are funded voluntarily. The Republic of Serbia shall acknowledge a specific role of educational and cultural associations of national minorities in their exercise of rights of members of national minorities. Members of national minorities shall have a right to undisturbed relations and cooperation with their compatriots outside the territory of the Republic of Serbia.

The Constitution foresees certain prohibitions aimed at preserving the identity of national minorities, such as the prohibition of discrimination and prohibition of forced assimilation. Persons belonging to national minorities shall be guaranteed equality before the law and equal legal protection. Any discrimination on the grounds of affiliation to a national minority shall be prohibited. Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavorable living conditions which particularly affect them. Members of national minorities shall have the right to participate in administering public affairs and assume public positions, under the same conditions as other citizens. When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration (National Assembly of the Republic of Serbia, 2006, Article 76 and 78).

There is a separate article in the Constitution of the Republic of Serbia which includes the provisions related to the equality of persons belonging to national minorities in administering public affairs. This equality includes two things: 1) the right of the members of national minorities to participate in administering public affairs and assume public positions, under the same conditions as other citizens, and 2) when taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities has to be taken into consideration. "In modern age, effective participation of national minorities in public affairs is believed to be the constituent element of their protection and the states which recognize the existence of national minorities are bound to create necessary conditions for the participation of their members in public affairs (Đurić, 2012, 134).

The 3% electoral threshold does not apply to political parties of national minorities on parliamentary and local government elections. They are just required to pass the "natural threshold", to win as many votes as needed to elect a member of parliament or a local councillor. The "natural threshold"

is a form of positive discrimination or affirmative action of national minorities. When it comes to parliamentary elections for the Assembly of the Republic of Serbia, it consists of the following: the total number of the voters who participated in the election is divided with the number of seats (250) in the National Assembly to calculate what was the number of votes needed to win a seat in the parliament. How many seats will the parties of national minorities win is calculated when the number of received votes is divided with the number of votes needed to win one seat in the parliament.

The protection of minorities is also strengthened by the provisions of the Constitution aimed at overcoming the division to majority and minority population, as well as by inciting the spirit of tolerance and intercultural dialog in the sphere of education, culture and information and undertaking efficient measures for promoting mutual respect, understanding and cooperation among the people who live on the territory of the Republic of Serbia regardless of their ethnic, cultural, linguistic and religious identity. The measures which the state undertakes in the field of education, culture and public information are aimed at supporting understanding, recognition and respect of differences in ethnic, cultural, linguistic or religious identity of its citizens. As for the rights of ethnic groups, they should be, in principle, equal to the right of national minorities. In cases where these ethnic groups, which have not established their own state yet, fulfilled all the elements leading to their status of an ethnic group, they can enjoy the right to their own language, letter, culture, tradition and religious beliefs.

Concluding remarks

Authorities in democratic countries should not strive to overstep the boundaries which are outlined by human rights and freedoms except in legally regulated cases and on behalf of general interest. Human rights and freedoms enable individuals to act towards the state and demand to receive some benefits from it and not only to defend themselves from the abuse of authorities. We can speak about the existence, exercise and protection of human rights and freedoms, including minority rights only in the countries with the rule of law.

The aim of the work is to show that there is a word about constitutional state where the power of government is restricted by law and whose inhabitants have guaranteed rights and freedoms. Multinational states recognize constitutional and legal status of a certain community by defining special rights to be enjoyed by the individuals belonging to national minorities. In addition to universal human rights, national minorities are guaranteed other specific rights in order to preserve their specific traits and achieve the equality with other citizens. States undertake special measures or affirmative actions in order to improve the overall position of national minorities in multinational societies. Minority rights and freedoms in state constitutions, including the general supreme legal act of the Republic of Serbia, are the right to national equality, prohibition of discrimination based on national origin, the right to use mother tongue and letter, and the right to their official use, the right to the development of specific cultural, educational, informative and economic characteristics of national minorities, the establishment of their organizations and cooperation with the compatriots in the mother state, or those living in other countries. Speaking about the right of national minorities to political representation, it consists of the right to organize political parties, with leniency in performing legal affairs and the guaranteed seats in the parliament, that is easier winning of the seats in parliament as a result of a lower threshold or “natural threshold”, as well as proportional representation in state administration and local self-governments. The relevant provisions of the

Constitution aimed at securing the exercise and protection of minority rights and freedoms are based on all above mentioned grounds. However, when it comes to human rights and freedoms, including minority rights and freedoms, there is a question of their formal proclamation and their attainability. In that context, it is not enough to have constitutional norms and laws in order to be a democratic society; what is important is the actual effort and action of all social actors, particularly those belonging to the executive and legislative branch of power aimed at exercising and protecting of human and minority rights and freedoms in order to demonstrate democratic character of Serbian society.

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Pojam ljudskih prava i prava nacionalnih manjina u Ustavu Srbije

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Sažetak

U radu se prvo polazi od pojma ljudskih prava, kao skupa prava i sloboda koja pripadaju svim ljudima. U širim definicijama, ovakvom određenju se dodaju i reči koje asociraju na neotuđivost ljudskih prava i sloboda i njihovo prirodno-pravno poreklo. Da bi se dodatno razumela koncepcija manjinskih prava, autori su morali da skrenu pažnju na podelu ljudskih prava i sloboda. Potom, putanja rada prelazi na uopšteno izlaganje o pravima pripadnika nacionalnih manjina. Kod pojma nacionalne manjine, krucijalno je važno da se njime obuhvata samo autohtono stanovništvo, koje je nastalo u toku istorije odnosno države, u kojoj ono živi i koje ima državljanstvo te države, a ne ekonomski migranti, kao ni izbeglice, ni azilanti, za koje se smatra da imaju privremeno prebivalište u odnosnoj državi. U Ustavu Republike Srbije, pripadnicima nacionalnih manjina garantuju se sva ljudska prava i slobode koje imaju i ostali državljani. U Ustavu postoje posebne odredbe, kojima se pripadnicima nacionalnih manjina jemče dodatna individualna i kolektivna prava. Individualna prava se ostvaruju pojedinačno od strane svakog pripadnika nacionalne manjine, a kolektivna prava se ostvaruju zajedno sa drugim pripadnicima nacionalne manjine, u skladu sa Ustavom, zakonom i međunarodnim ugovorom. Konačno, u radu se zaključuje da je samo u demokratskom društvu moguće ostvarivanje ljudskih prava i sloboda, pa time i manjinskih.

Ključne reči: pojam ljudskih prava, podela ljudskih prava, manjinska prava, Ustav Republike Srbije.