Third generation of the human rights in Kosova and the positive discrimination

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Human rights in Kosova in the formal-legal understanding are sanctioned by the Kosova Constitution, within which there are incorporated most important international documents beginning with the Universal Declaration of Human Rights up to the European Convention for Human Rights. But nonetheless there are issues that remain still to be at the level of political debates and projections for future as well as there are issues that overcome the academic and theoretic debate taking the dimension overcoming the human rights. And this dimension from the practical viewpoint can overcome the accepted issue as it is positive discrimination at the determined moments and at the determined countries. The right to development, the right to environment, etc., as the rights of the third generation also in Kosova are at the phase which from the debate in order to transform into practical notions whereas positive discrimination under the current political developments time after time takes forms of overcoming the field of human rights and could endanger the Kosova state existence.

Paper goal is to analyze Chapter of the Kosova Constitution related to human rights, to emphasize current formal-legal framework and the actual shortcomings of the rights from the third generation. Paper will underline the form and the level of positive discrimination in Kosova under the context of overcoming practical framework that are known in world related to this issue.

It is un-avoided that the paper will come up with the recommendations which could be used in the theory and practice in Kosova.

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