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## Cultural Recognition and Legal Inequality Among Minority Communities

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### ABSTRACT

This study aimed to explore how members of minority communities in Tehran experience cultural recognition, legal inequality, and institutional access in everyday encounters with legal and administrative systems. This qualitative study was conducted using semi-structured interviews with 24 participants recruited through purposive sampling in Tehran. Participants included members of ethnic, linguistic, religious, and migration-related minority communities, as well as a small number of community advocates with direct experience of legal and administrative support. Interviews focused on experiences of recognition, access to legal services, documentation, institutional treatment, perceived discrimination, and strategies used to navigate inequality. Data collection continued until theoretical saturation was reached. All interviews were audio-recorded with informed consent, transcribed verbatim, anonymized, and analyzed through thematic analysis using NVivo software. Credibility was strengthened through member checking, peer debriefing, reflexive memo writing, and repeated comparison of codes and emerging themes. The analysis generated four main categories: symbolic recognition without substantive equality, administrative invisibility and discretionary gatekeeping, language and communication barriers in legal access, and conditional belonging in everyday legal consciousness. Participants described cultural recognition as partial and uneven, often present in symbolic references to diversity but weakly reflected in institutional procedures. Legal inequality was experienced through complex documentation requirements, inconsistent administrative practices, limited culturally sensitive support, and fear of complaint. Participants frequently relied on informal networks, community intermediaries, and self-censorship to avoid institutional conflict. The findings suggest that cultural recognition alone does not eliminate legal inequality when institutional procedures remain standardized, discretionary, and insufficiently responsive to minority experiences. Legal equality requires not only formal rights but also accessible procedures, culturally competent institutions, language-sensitive services, participatory mechanisms, and trust-building reforms that allow minority communities to engage legal systems without fear, stigma, or exclusion.

**Keywords:** cultural recognition; legal inequality; minority communities; legal consciousness; institutional discrimination; qualitative research; Tehran.

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## Introduction

Cultural recognition has become a central concept in contemporary debates on justice, legal equality, and minority rights. In plural societies, minority communities often do not merely seek formal inclusion within the law; they also seek recognition of their identities, histories, languages, religious practices, and community-based understandings of dignity. Recognition is therefore not limited to symbolic respect. It concerns whether institutions see minority persons as legitimate legal subjects whose experiences, needs, and forms of belonging are reflected in legal norms, administrative procedures, and public decision-making. Taylor (1994) argues that recognition is a vital human need because identity is partly shaped through social acknowledgment. Misrecognition, in this view, is not a minor cultural injury but a form of harm that can confine individuals and groups within distorted or inferior social positions. In legal contexts, such misrecognition may appear when minority identities are ignored, stereotyped, treated as suspicious, or accommodated only superficially.

The relationship between cultural recognition and legal inequality is complex because formal equality before the law does not necessarily produce substantive equality in legal experience. Fraser (1995) famously argued that justice requires attention to both redistribution and recognition, because social inequalities often combine material disadvantage with cultural devaluation. A minority community may be legally recognized in formal discourse while still facing unequal access to legal remedies, public services, documentation, representation, or administrative protection. Conversely, policies that emphasize economic redistribution without cultural recognition may fail to address stigma, invisibility, and institutional disrespect. Fraser's framework is particularly useful for the present study because it avoids reducing minority justice either to identity politics or to socioeconomic inequality. It instead conceptualizes legal inequality as a multidimensional problem in which status subordination, resource disadvantage, and institutional exclusion reinforce one another.

Minority rights scholarship has similarly emphasized that equal citizenship cannot be understood only through uniform treatment. Kymlicka (1995) argues that some minority rights can be compatible with liberal democratic principles because cultural membership shapes people's capacity to exercise freedom meaningfully. From this perspective, the law may need to recognize specific cultural and linguistic conditions in order to secure equal participation. Young (1990) also criticizes models of justice that reduce inequality to distribution alone, arguing that oppression is embedded in social structures, institutional routines, cultural meanings, and decision-making processes. Her account of structural injustice is important for examining how legal inequality may persist even without explicit discriminatory intent. Minority communities may encounter inequality through ordinary bureaucratic practices, standardized forms, linguistic assumptions, institutional mistrust, and discretionary decisions that appear neutral but operate unequally in practice.

International human rights law provides a normative foundation for examining the legal position of minority communities. Article 27 of the International Covenant on Civil and Political Rights protects the rights of persons belonging to ethnic, religious, or linguistic minorities to enjoy their culture, profess and practice their religion, and use their language in community with others. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities further emphasizes protection of minority identity, participation in public life, and conditions for the promotion of cultural, religious, and linguistic expression (United Nations General Assembly, 1992). These instruments indicate that minority protection is not exhausted by non-discrimination. It also includes participation, identity protection, and effective conditions for cultural life. However, the translation of such principles into local legal practice depends on institutional capacity, political will, administrative interpretation, and the everyday conduct of officials.

The gap between legal norms and lived experience has been widely discussed in socio-legal scholarship. Merry (2006) shows that rights frameworks are not simply applied from above; they are translated into local contexts through cultural

meanings, institutions, intermediaries, and power relations. This insight is important for minority communities because formal legal recognition may acquire different meanings depending on how local institutions interpret and implement it. Ewick and Silbey (1998) similarly argue that law is experienced in everyday life through legal consciousness: the ways people understand, invoke, avoid, or resist law in ordinary situations. Minority communities' perceptions of law are therefore shaped not only by statutes and courts but also by administrative offices, police encounters, schools, workplaces, neighborhood relations, and informal community networks. Legal inequality may thus appear as a lived pattern of hesitation, mistrust, silence, or dependence on intermediaries.

Intersectionality further deepens the analysis of minority legal inequality. Crenshaw (1991) demonstrates that legal and policy frameworks often fail when they treat identity categories separately, ignoring the compounded experiences of people located at the intersection of race, gender, class, migration status, language, religion, or other social positions. In the present study, minority status is not assumed to be uniform. Members of minority communities may experience legal inequality differently depending on gender, socioeconomic position, education, citizenship or documentation status, language proficiency, occupation, and visibility of identity markers. For example, a highly educated minority professional may have more resources for navigating legal institutions than a low-income minority woman facing language barriers and limited social support. A meaningful analysis of cultural recognition must therefore examine how recognition is distributed unequally within minority communities themselves.

The Iranian context provides a significant setting for examining these issues because Tehran is a large metropolitan space in which diverse ethnic, linguistic, religious, and migration-related communities interact with centralized legal and administrative institutions. The Constitution of the Islamic Republic of Iran contains provisions concerning equality and recognized forms of religious and cultural difference, including articles related to equality before the law, ethnic and linguistic diversity, and recognized religious minorities. At the same time, the lived meaning of these provisions depends on implementation, administrative interpretation, access to services, and the ability of minority communities to claim rights without fear of stigma or institutional dismissal. This makes Tehran an important site for examining how legal equality is experienced not only as formal constitutional language but also as an everyday institutional encounter.

Despite growing global attention to cultural recognition and minority rights, there remains a need for qualitative research that examines how minority communities themselves interpret legal inequality. Much of the literature addresses legal frameworks, philosophical theories, or international standards, while less attention is given to the everyday narratives through which minority persons explain their encounters with legal institutions. Qualitative inquiry is particularly appropriate for this topic because it can capture meanings, emotions, silences, strategies, and contradictions that are not easily measured through surveys. Semi-structured interviews allow participants to describe how recognition and inequality are experienced across multiple institutional settings and how they interpret the gap between formal rights and practical access.

This study therefore explores cultural recognition and legal inequality among minority communities in Tehran through a qualitative design based on semi-structured interviews. The study asks: How do members of minority communities understand cultural recognition in relation to legal equality? What institutional barriers do they identify in accessing rights, services, and remedies? How do they navigate legal and administrative encounters? And how do these experiences shape their legal consciousness, trust, and sense of belonging? By answering these questions, the study contributes to socio-legal research on recognition, minority rights, and everyday legal inequality. It argues that cultural recognition becomes meaningful only when it is institutionalized through accessible procedures, accountable discretion, language-sensitive communication, participatory mechanisms, and protection from stigma. Without these conditions, recognition may remain symbolic while legal inequality continues through routine administrative practices.

## Methods and Materials

This study employed a qualitative research design to explore the lived experiences and perceptions of cultural recognition and legal inequality among minority communities in Tehran. A qualitative approach was selected because the study aimed to understand meanings, narratives, institutional encounters, and subjective interpretations rather than to measure predetermined variables. The research was informed by socio-legal and interpretivist assumptions, emphasizing that law is experienced not only through formal rules but also through everyday interactions with institutions, officials, documents, language, and community networks.

Participants were recruited through purposive sampling. Inclusion criteria were: being 18 years of age or older, living in Tehran for at least one year, self-identifying as belonging to a minority community, or working directly with minority community members in legal, social, or advocacy contexts. The final sample included 24 participants. Of these, 18 were members of minority communities and 6 were community advocates, legal practitioners, or social-service actors who had direct experience assisting minority individuals with institutional or legal issues. Data collection continued until theoretical saturation was reached, meaning that additional interviews no longer generated substantially new categories or interpretive insights.

Data were collected through semi-structured interviews. The interview guide included open-ended questions about participants' experiences of cultural recognition, legal access, institutional treatment, documentation, complaint procedures, language barriers, discrimination, trust in legal institutions, and strategies for navigating administrative systems. Examples of interview questions included: "Can you describe a situation in which your cultural or community identity affected your interaction with a legal or administrative institution?" "What does legal equality mean in your everyday life?" "Have you ever avoided making a legal complaint because of fear, mistrust, or uncertainty?" and "What changes would make institutions more responsive to minority communities?"

Interviews were conducted in private and convenient locations or through secure online platforms when necessary. Each interview lasted approximately 45 to 75 minutes. With participants' informed consent, interviews were audio-recorded and then transcribed verbatim. Identifying details were removed from transcripts, and participants were assigned codes such as P01, P02, and P03. Field notes were written after each interview to record contextual observations, emotional tone, and preliminary analytic reflections.

Data were analyzed using thematic analysis following the six-phase framework proposed by Braun and Clarke (2006): familiarization with the data, generation of initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the final report. NVivo software was used to organize transcripts, manage codes, compare categories, and retrieve relevant quotations. The analysis combined inductive and theoretically informed coding. Initial codes were developed closely from participant narratives, while later stages of analysis were informed by concepts such as recognition, legal consciousness, institutional discretion, and structural inequality.

To enhance credibility, selected participants were invited to review summary interpretations of the findings. Peer debriefing was used to challenge emerging interpretations and reduce individual researcher bias. Reflexive memos were maintained throughout the analysis to document analytic decisions, assumptions, and changes in coding structure. Dependability was strengthened through an audit trail, including interview guides, coding notes, memos, and theme development records. Transferability was supported by providing thick descriptions of participants' institutional experiences and contextual conditions.

The study followed standard ethical principles for qualitative research. Participation was voluntary, and all participants received information about the study purpose, confidentiality, anonymity, and their right to withdraw at any stage. Written or recorded informed consent was obtained before each interview. Because the study involved potentially sensitive experiences

of inequality and institutional mistrust, special attention was given to protecting participant identity. No real names, specific community identifiers, workplaces, or traceable personal details were reported.

### Findings

The study included 24 participants from Tehran. Participants' ages ranged from 22 to 58 years. Thirteen participants were women and eleven were men. In terms of educational background, 5 participants had completed secondary education, 9 held bachelor's degrees, 7 held master's degrees, and 3 held doctoral or professional degrees. Regarding participant role, 18 participants were members of minority communities, while 6 were legal practitioners, community advocates, or social-service actors working with minority groups. In relation to minority background, 10 participants identified primarily with an ethnolinguistic minority background, 6 with a religious minority background, 5 with migration-related or non-dominant national background, and 3 with intersecting minority positions. The length of residence in Tehran ranged from 1 to 37 years. Most participants reported repeated encounters with administrative or legal institutions, including civil registration offices, municipal offices, courts, police stations, educational institutions, employment offices, or social-service agencies.

The first main category concerned the gap between symbolic recognition and substantive equality. Participants stated that minority identities were sometimes acknowledged in public discourse, cultural events, or formal statements, but this recognition did not always translate into equal treatment in legal and administrative procedures. For many participants, recognition was experienced as conditional, ceremonial, or dependent on remaining within acceptable boundaries. They described a pattern in which diversity was publicly valued, but minority claims became problematic when they involved rights, resources, institutional accountability, or changes in procedure. One participant explained, "They say our culture is respected, but when we ask for a document, a permit, or a fair hearing, suddenly our difference becomes a problem" (P04). Another participant stated, "Recognition is mostly for celebration, not for solving legal issues. We are visible when they want cultural color, but invisible when we ask for equal treatment" (P11). This category showed that participants distinguished between being symbolically included and being substantively protected.

The second category referred to administrative invisibility and discretionary gatekeeping. Participants frequently described legal inequality as occurring not through explicit denial of rights but through complex procedures, repeated referrals, inconsistent explanations, and dependence on the personal attitude of officials. Several participants reported that administrative forms and institutional categories did not reflect their identities or circumstances, forcing them to simplify, hide, or translate their situation into dominant categories. Others described uncertainty about requirements and the perception that outcomes varied depending on the official encountered. One participant noted, "The law may be written in one way, but at the desk everything depends on the person sitting there" (P07). Another stated, "I was not rejected directly. I was delayed, redirected, asked for more papers, and finally I understood that the system was not designed for someone like me" (P16). This theme indicated that inequality was often embedded in routine administrative practice rather than expressed as formal exclusion.

The third category involved language and communication barriers in accessing legal and administrative institutions. Participants emphasized that legal language was difficult even for majority citizens, but minority persons faced additional challenges when official terminology, written forms, complaint procedures, or courtroom communication were not culturally or linguistically accessible. Some participants described relying on family members, community elders, translators, or informal intermediaries to understand documents and procedures. However, this reliance sometimes reduced privacy and increased vulnerability. A participant explained, "When you cannot explain your problem in the official language with legal words, people think your problem is weak or not serious" (P02). Another participant said, "I did not want my relative to know everything about my case, but without help I could not understand the forms" (P19). Participants also noted that communication

barriers were not only linguistic but cultural: institutions often failed to understand community norms, family structures, religious practices, or experiences of stigma.

The fourth category concerned conditional belonging and everyday legal consciousness. Participants described law as both a source of possible protection and a source of anxiety. Many expressed awareness of formal rights but were uncertain whether claiming those rights would produce protection or expose them to further scrutiny. As a result, some participants avoided complaint mechanisms, minimized identity-related claims, or relied on informal negotiation rather than formal legal action. One participant stated, “You learn when to speak and when to stay silent. Sometimes silence feels safer than insisting on your right” (P09). Another noted, “We are citizens in documents, but in practice we always feel we must prove that we belong here” (P22). This theme showed that legal inequality shaped not only institutional outcomes but also participants’ expectations, emotions, and strategies. Law was experienced as conditional: available in principle, but uncertain in practice.

### Discussion

The present study explored how cultural recognition and legal inequality are experienced among minority communities in Tehran. The findings showed that participants did not understand legal inequality only as explicit discrimination or direct exclusion. Rather, inequality was experienced through a combination of symbolic recognition, procedural barriers, institutional discretion, language difficulties, and fragile trust in legal systems. Four main categories were identified: symbolic recognition without substantive equality, administrative invisibility and discretionary gatekeeping, language and communication barriers in legal access, and conditional belonging in everyday legal consciousness. Together, these findings suggest that cultural recognition becomes meaningful only when it is translated into institutional procedures that enable minority persons to access rights, remedies, and participation without fear or stigma.

The first finding, symbolic recognition without substantive equality, is strongly aligned with Fraser’s (1995) argument that justice requires both recognition and redistribution. Participants did not reject cultural recognition; rather, they criticized forms of recognition that remained ceremonial and detached from legal protection. This supports Fraser’s concern that recognition may become insufficient when it does not alter structural arrangements that reproduce inequality. Taylor’s (1994) theory also helps explain why symbolic misrecognition is not merely superficial. When institutions acknowledge minority culture only in limited symbolic settings but fail to respond to minority claims in legal practice, recognition becomes selective and hierarchical. Participants’ narratives indicated that they were often visible as cultural subjects but less visible as rights-bearing legal subjects. This finding is also consistent with Young’s (1990) critique of universalist models of equality that ignore group difference and structural power. In such contexts, equal treatment may become a formal ideal that leaves institutional routines unchanged. The present findings therefore suggest that legal recognition must be evaluated not by official language alone but by whether minority persons experience institutions as responsive, accountable, and accessible.

The second finding, administrative invisibility and discretionary gatekeeping, demonstrates how legal inequality may be reproduced through routine institutional practices rather than explicit legal exclusion. Participants described delays, repeated referrals, unclear requirements, and dependence on the attitude of individual officials. This finding supports socio-legal scholarship showing that law is experienced through everyday bureaucratic encounters rather than only through courts or statutes (Ewick & Silbey, 1998). It also aligns with Merry’s (2006) argument that rights are translated through local institutions and intermediaries. Where administrative actors lack clear guidance or culturally sensitive training, formal rights may be narrowed or reshaped at the point of implementation. The role of discretion is especially important. Discretion can make institutions flexible, but when it is not transparent or accountable, it can produce unequal outcomes for minority persons who already occupy vulnerable positions. Kymlicka’s (1995) theory of minority rights is relevant here because it emphasizes that uniform procedures may disadvantage minority communities when they fail to account for specific cultural and social

conditions. The findings suggest that administrative equality requires more than identical forms and rules; it requires procedures capable of recognizing minority circumstances without turning difference into suspicion.

The third finding, language, communication, and legal access barriers, highlights the communicative dimension of legal inequality. Participants reported that legal language, official forms, and complaint procedures were difficult to navigate, particularly when individuals lacked fluency in dominant legal terminology or had culturally specific ways of explaining harm. This finding aligns with international minority-rights norms, including Article 27 of the ICCPR and the United Nations Declaration on Minorities, both of which recognize the importance of language, culture, and participation in the protection of minority identity (United Nations General Assembly, 1992; United Nations Human Rights Committee, 1994). However, the findings show that language rights should not be understood narrowly as the right to speak a minority language in private or community life. Language also affects access to justice, comprehension of legal obligations, ability to file complaints, and confidence in institutional settings. Participants' reliance on informal interpreters or community intermediaries created additional risks related to privacy, accuracy, and dependency. This supports broader access-to-justice research showing that legal systems can exclude people not only through cost or distance but also through complexity, technical language, and unequal communicative power. In minority contexts, legal communication is therefore not a neutral administrative matter; it is a key site where recognition and inequality intersect.

The fourth finding, conditional belonging and everyday legal consciousness, shows that legal inequality affects how minority persons imagine their relationship to the state and to public institutions. Participants often knew that formal rights existed but doubted whether claiming them would be safe or effective. This reflects Ewick and Silbey's (1998) concept of legal consciousness, which emphasizes that people's relationship to law is shaped by lived experience, narratives, and practical strategies. For some participants, law appeared as a promise of protection; for others, it appeared as a field of risk that required caution, silence, or informal negotiation. This finding also aligns with Crenshaw's (1991) intersectional analysis, because participants' willingness to claim rights was shaped by overlapping factors such as gender, class, language, documentation status, education, and visibility of minority identity. A minority person with greater education or professional status may feel more able to challenge an institution, while a person facing economic insecurity or documentation vulnerability may avoid complaint even when harm is clear. Thus, legal inequality is not only an institutional condition but also an internalized practical knowledge about when law can be used and when it should be avoided.

Across all categories, the findings indicate that cultural recognition and legal equality are mutually dependent. Recognition without legal accessibility becomes symbolic; legal equality without cultural recognition becomes abstract. This is consistent with Fraser's (1995) insistence that recognition and redistribution should not be treated as competing justice claims. In the present study, participants' experiences of inequality were simultaneously cultural, legal, administrative, and material. Delays in documentation could affect employment or education. Language barriers could weaken complaint-making. Fear of stigma could reduce access to remedies. Lack of institutional recognition could intensify mistrust and reinforce informal dependence. These patterns show that minority legal inequality is not a single event but a cumulative process. It emerges through repeated encounters in which participants learn that their rights exist formally but are uncertain practically.

The findings also contribute to discussions of legal pluralism and local legal meaning. Santos (2002) argues that legality is shaped across local, national, and global scales, and the present study demonstrates how minority persons navigate between formal law, community norms, informal networks, and institutional expectations. Participants did not simply accept or reject state law. Instead, they used mixed strategies: seeking documents, consulting community intermediaries, avoiding complaint, negotiating informally, or selectively presenting identity depending on context. This suggests that minority communities are active legal actors, not passive victims of inequality. However, their agency often develops under constrained conditions.

Informal strategies may help individuals survive institutional barriers, but they may also reproduce inequality by making access dependent on personal networks rather than enforceable rights.

From a policy perspective, the study suggests that cultural recognition must be operationalized. Institutions cannot rely only on constitutional equality, formal non-discrimination, or general respect for diversity. They need concrete mechanisms, such as accessible complaint systems, multilingual guidance, culturally competent legal aid, clear administrative standards, anti-discrimination training, data-informed monitoring, and participatory consultation with minority communities. The findings also suggest the need for accountability in discretionary decision-making. Participants repeatedly described uncertainty about why decisions were delayed, redirected, or denied. Transparent explanations, written procedures, appeal mechanisms, and independent review can reduce the unequal effects of discretion.

The study further suggests that trust-building is central to legal equality. Participants' reluctance to complain was not simply a matter of legal ignorance. It reflected accumulated experiences of uncertainty, stigma, and perceived vulnerability. Legal empowerment programs are useful, but they are insufficient if institutions remain unresponsive. Minority communities should not bear the entire burden of adapting to legal systems. Instead, legal and administrative institutions must adapt their procedures to ensure that minority persons can claim rights safely and effectively. This requires shifting from a passive model of equality, in which institutions wait for individuals to complain, to an active model of inclusion, in which institutions identify and remove barriers before they become entrenched.

This study has several limitations. First, the sample was limited to participants in Tehran and therefore may not represent the experiences of minority communities in smaller cities, rural areas, border provinces, or regions with different demographic and institutional conditions. Second, because the study used purposive sampling, participants may have had stronger experiences or greater awareness of legal inequality than those who did not participate. Third, the sensitivity of the topic may have influenced what participants were willing to disclose, particularly regarding institutional mistrust or identity-based discrimination. Fourth, the study relied on self-reported experiences and did not include direct observation of institutional encounters or analysis of case files. Finally, the diversity of minority communities means that the findings should not be interpreted as describing a single homogeneous minority experience.

Future research should examine cultural recognition and legal inequality across different cities and provinces to identify how local institutional cultures shape minority experiences. Comparative studies could explore differences between ethnic, linguistic, religious, migrant, and intersectional minority groups while avoiding the assumption that all minority communities face identical barriers. Longitudinal research would also be valuable for understanding how legal consciousness changes over time after repeated institutional encounters. Future studies may combine interviews with document analysis, observation in legal aid settings, or case studies of administrative procedures. Quantitative research could also be designed based on the themes identified in this study to measure the prevalence of language barriers, institutional mistrust, complaint avoidance, and perceived discrimination among larger samples.

Legal and administrative institutions should develop practical mechanisms to move cultural recognition from symbolic acknowledgment to substantive equality. These mechanisms may include plain-language legal information, multilingual guidance materials, culturally competent staff training, transparent administrative checklists, accessible complaint procedures, and referral systems for minority persons who need legal support. Institutions should also consult minority communities when designing policies that affect documentation, education, employment, family matters, and public services. Legal aid organizations and civil society actors can support minority communities by providing rights education, confidential counseling, and assistance in navigating procedures. Most importantly, institutions should create safe conditions for minority persons to claim rights without fear of stigma, retaliation, or further exclusion.

## Conclusion

This study examined cultural recognition and legal inequality among minority communities in Tehran through qualitative interviews. The findings revealed that minority participants experienced legal inequality not only through direct discrimination but also through symbolic recognition without institutional effect, administrative invisibility, discretionary gatekeeping, language barriers, and conditional belonging. Participants often recognized the existence of formal rights but described uncertainty about whether these rights could be safely and effectively claimed. The study shows that cultural recognition must be connected to substantive institutional reform. Legal equality requires accessible procedures, accountable discretion, culturally sensitive communication, participatory decision-making, and trust-building between minority communities and public institutions. Without these conditions, recognition remains partial, and equality remains formal rather than lived.

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## Authors' Contributions

All authors equally contributed to this study.

## Declaration of Interest

The authors of this article declared no conflict of interest.

## Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

## Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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