



**ELEMENTS OF GOOD PRACTICE
IDENTIFIED DURING THE
IMPLEMENTATION OF THE
JOINT PROJECT EU/COE
“PROMOTING HUMAN RIGHTS
AND MINORITY PROTECTION
IN SOUTH EAST EUROPE”**



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Author

This publication has been prepared by Florian Bieber, Marko Kmezic, Emma Lantschner and Lura Pollozhani from the Centre for Southeast European Studies at the University of Graz (Austria).

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Council of Europe

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Policy and Enlargement Negotiations

Rue da la Loi 15

B.1000 Brussels

www.europa.eu

**Council of Europe
Avenue de l'Europe**

F-67075 Strasbourg Cedex

www.coe.int

Table of Contents

LIST OF ABBREVIATIONS	5
EXECUTIVE SUMMARY	7
I. FRAMEWORK OF MINORITY PROTECTION IN SOUTH EAST EUROPE	9
II. GOOD PRACTICES WITHIN THE JP EU/COE “PROMOTING HUMAN RIGHTS AND MINORITY PROTECTION IN SOUTH EAST EUROPE”	43
EVALUATION OF GOOD PRACTICES IN ALBANIA	
Investing in Equality: Encouraging and Promoting the Participation of Minorities in Local Government and Improving Service Delivery to Minority Communities	45
EVALUATION OF GOOD PRACTICES IN BOSNIA AND HERZEGOVINA	
Sustainable Utilization of Information Technologies for the Purpose of Promotion of National Minorities from the Area of Municipality of Gradiška	55
EVALUATION OF GOOD PRACTICES IN CROATIA	
Strengthening the Administration for Minority People Leads to Equality	63
EVALUATION OF GOOD PRACTICES IN MONTENEGRO	
Roma and Egyptian Educational Mediators and Assistants	69
EVALUATION OF GOOD PRACTICES IN SERBIA	
E-Trilingualism	79
EVALUATION OF GOOD PRACTICES “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”	
Through Traditional Cultural Values of the Communities to Better Life for the Citizens of Staro Nagoričane	85

Table of Contents

EVALUATION OF GOOD PRACTICES IN KOSOVO*

Non-Majority Communities in Decision Making	93
III. RECOMMENDATIONS	103
BIBLIOGRAPHY	109
ANNEX I	115
ANNEX II	116
ANNEX III	118

* “This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo Declaration of Independence”.

List of abbreviations

ACFC	Advisory Committee on the Framework Convention for the Protection of National Minorities
COMEX	Committee of Experts of the European Charter for Regional or Minority Languages
CSO	Civil Society Organisation
ECRML	European Charter for Regional or Minority Languages
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FCNM	Framework Convention for the Protection of National Minorities

Executive Summary

Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia” and Kosovo* have committed themselves to ensure the protection of national minorities. To all of them applies the Framework Convention for the Protection of National Minorities (FCNM). Moreover, Bosnia and Herzegovina, Croatia, Montenegro and Serbia have signed and ratified the European Charter for Regional or Minority Languages (ECRML). In practice, however, minority rights are not always protected according to European standards in South East Europe, particularly on a sub-state level.

Accommodating the need to improve the level of compliance with European standards on minority protection that primarily stem from the FCNM and the ECRML, the JP EU/CoE “Promoting Human Rights and Minority Protection in South East Europe” has over the past four years aimed to improve the access to rights for minorities at local level. After the implementation of 36 individual projects in local self-governments in the seven above mentioned beneficiaries, this publication sets out to identify elements of good practice that have emerged in the implementation of seven (one per beneficiary) pre-selected projects. It evaluates the successfulness of these projects in terms of their sustainability, the sense of ownership that has been developed during their implementation and the impact they had on the daily life of national minorities and the broader community in which they live. On the basis of individual case studies it identifies replicable elements and proposes adaptable models of good practice that address a specific issue in the minority protection field for wider dissemination. It is hoped that these decontextualized models can be used in other municipalities within and beyond the regional context.

The publication starts out by providing a structured overview of the legal system for minority rights protection in the seven beneficiaries, which is juxtaposed against the standards required under the FCNM and the ECRML, focusing in particular on the recent findings of the respective monitoring mechanisms. Each beneficiary is dealt with by focusing on the areas that are crucial for a successful promotion of national minorities: minority culture, linguistic rights, education, media, and effective participation in political and economic life. The empirical analysis traces the outputs of seven pre-selected minority protection projects in order to assess their practical implementation

on local level with the aim of drawing generalizable conclusions and finding replicable elements. The study concludes with a brief discussion of findings and practical recommendations for future efforts to improve the promotion of minority rights in the local context.

I. Framework of Minority Protection in South East Europe¹

The overall aim of the JP EU/CoE “Promoting Human Rights and Minority Protection in South East Europe” was to improve the access to rights for minorities in line with European standards on minority protection which primarily flow from the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML). After the implementation of 36 projects at local level in the seven beneficiaries Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia” and Kosovo* this publication sets out to identify elements of good practice that have emerged in the implementation of seven (one per beneficiary) selected projects. It evaluates the successfulness of these projects in terms of their sustainability, the sense of ownership that has been developed during their implementation and the impact they had on the daily life of national minorities and the broader community in which they live. On the basis of individual case studies it identifies replicable elements and proposes adaptable models of good practice for wider dissemination.

In order to set these seven selected projects in their legal (national and international) context, this initial chapter will provide a structured overview of how minority rights are currently protected by the legal systems of the seven beneficiaries. Each beneficiary will be dealt with by focusing on the areas which are crucial for a successful protection and promotion of national minorities: minority culture, linguistic rights, education, media, and effective participation in political and economic life. The results of this analysis will be compared with the standards required under the FCNM and the ECRML, focusing in particular on the recent findings of the respective monitoring mechanisms. Special emphasis will be given to those areas which correlate with the individual projects to be analysed in the second part of this publication.

In this context it needs to be highlighted that while the FCNM and its monitoring applies to all seven beneficiaries, “the former Yugoslav Republic of Macedonia” has only signed (already in 1996) but not ratified the ECRML and Albania has

¹ This part is based on a considerably revised and updated version of Chapter 1.2 of the study “Human Rights Mainstreaming in the EU Enlargement Process in the Western Balkans with a Special Focus on Minorities”, requested by the European Parliament’s Subcommittee on Human Rights and co-authored by Emma Lantschner and Florian Bieber, 2012.

neither signed nor ratified this instrument, although both countries committed themselves to signing and ratifying the Charter when they acceded to the Council of Europe. Albanian authorities pledged to have the signing of the Charter on their agenda² and meetings between Albanian authorities and Council of Europe experts discussed a preliminary draft ratification instrument in April 2014.³ However, the conclusions of a working group on reforming Albania’s national minority legislation only suggested an “[e]xamination of the situation, with a view to signing and ratifying the European Charter for Regional or Minority Languages”.⁴ “The former Yugoslav Republic of Macedonia” is currently undertaking no steps towards ratification of the ECRML. With regard to Kosovo*, the Council of Europe has signed a special agreement with UNMIK on the implementation of the FCNM but not of the ECRML. The ECRML therefore applies only to four of the seven beneficiaries. While Croatia, Serbia and Montenegro have chosen to apply the same paragraphs of Part III to all languages covered by that part, Bosnia and Herzegovina has made slight changes regarding Romani.

It is the responsibility of the state parties to the FCNM and the ECRML to determine the national minorities and minority languages to which they intend to apply the respective document. Due to the fact that the ECRML contains a definition for regional or minority languages and non-territorial languages, the margin of appreciation appears more limited as compared to the FCNM, which contains no definition of national minority. In both cases, the two monitoring bodies consider it as their duty to examine whether this choice is in line with the spirit of the FCNM and the letter of the ECRML. The scope of application is, thus, something which evolves throughout the monitoring cycles as a result of the dialogue between the state party on the one hand and the monitoring body on the other. The table below summarizes the current state of affairs in this regard.

Table 1: Minority groups/minority languages covered under the FCNM and ECRML

	Minorities covered under FCNM	Minority languages covered under ECRML
Albania	Greeks, Macedonians, Montenegrins and Serbs as national minorities; Roma and Aromanians/ Vlachs as ethno-linguistic minorities <i>ACFC: consider inclusion of Egyptians and Bosniaks</i>	NA

- 2 See e.g. Parliamentary Assembly of the Council of Europe, Application of the European Charter for Regional or Minority Languages Biennial Report by the Secretary General of the Council of Europe to the Parliamentary Assembly, 3 March 2014.
- 3 Parliamentary Assembly of the Council of Europe, Application of the European Charter for Regional or Minority Languages Biennial Report by the Secretary General of the Council of Europe to the Parliamentary Assembly, 2 March 2016.
- 4 Albanian Ministry for European Integration, Annual Progress Report 2015. Albanian Contribution – Input II. May – September 2015, 194.

	Minorities covered under FCNM	Minority languages covered under ECRML
Bosnia and Herzegovina	Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians	Part II and III: Albanian, Czech, German, Hungarian, Italian, Ladino, Polish, Romani, Romanian, Ruthenian, Slovak, Slovenian, Turkish, Ukrainian and Yiddish <i>In light of the information provided in the second state report, COMEX decided not to monitor Macedonian and Montenegrin (although contained in the instrument of ratification) since they are not traditionally used in BiH. See COMEX, second report on Bosnia and Herzegovina, 2016, para. 14</i>
Croatia	Albanians, Austrians, Bosniaks, Bulgarians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Rusyns, Serbs, Slovaks, Slovenes, Turks, Ukrainians, Vlachs <i>ACFC: consider inclusion of Muslims</i>	Part II: Boyash Romanian, German, Slovenian (plus part III languages) Part III: Czech, Hungarian, Italian, Ruthenian, Serbian, Slovak and Ukrainian <i>Croatia has made a reservation with regard to the application of the Charter to Romani.</i>
Montenegro	Serbs, Bosniaks, Albanians, Muslims, Croats and "others" <i>ACFC: continue dialogue with "others", adapt Law on Minorities to Constitution (the latter does not include citizenship as criterion for the definition of minorities), particularly relevant for Roma and Egyptians</i>	Part II: Bosnian, Croatian (plus part III languages) Part III: Albanian, Romani <i>Serbian speakers do not wish their language to be covered by the Charter</i>
Serbia	No list, all groups covering the criteria of Art. 2 of the Serbian Law on the Protection of Rights and Freedoms of National Minorities. The latest State Report includes: Albanians, Ashkali, Bosniacs, Bulgarians, Bunyevtsi, Vlachs, Gorani, Greeks, Egyptians, Jews, Yugoslavs, Hungarians, Macedonians, Moslems, Germans, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks, Ukrainians, Croats, Tzintzars, Montenegrins, Czechs, Shokci	Part II: Bunjevac, Czech, German, Macedonian, Vlach (plus part III languages) Part III: Albanian, Bosnian, Bulgarian, Croatian, Hungarian, Romani, Romanian, Ruthenian, Slovakian, Ukrainian

	Minorities covered under FCNM	Minority languages covered under ECRML
"the former Yugoslav Republic of Macedonia"	Albanian, Turks, Vlachs, Serbs, Roma, Bosniaks <i>ACFC: consider inclusion of Egyptians and Croats</i>	NA
Kosovo*	Serbs, Turks, Bosnians, Gorani, Roma, Ashkali, Egyptians, Croats, Montenegrins	NA

The majority of the beneficiaries (Croatia, Bosnia and Herzegovina, Montenegro, Serbia, "the former Yugoslav Republic of Macedonia") define their minorities, amongst other criteria, over their citizenship. According to the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), this is not in violation of any legally-binding international instrument,⁵ but considering the break-up of Yugoslavia and the later declarations of independence of Montenegro and Kosovo*, it is particularly problematic for persons with an uncertain citizenship status. Roma are particularly affected by this problem. Such a criterion might negatively affect the exercise of rights of these persons. In this context, the ACFC regularly makes reference to the Venice Commission's Report on Non-Citizens and Minority Rights.⁶ According to this report the citizenship criterion should be used only in the context of those provisions where such a requirement is relevant, e.g. in relation to electoral rights at national level, but should not generally be used to define a minority.

In terms of the right to self-identification, several states have established lists in their legislation defining who the minorities on their territory are. Even when those lists are open, it seems to be difficult for minorities not included in the list to get recognition or to make use of rights provided for "listed" minorities or the rights under the FCNM. Although recognition by the state is neither necessary in order to "exist" as a minority nor a prerequisite to qualify for the protection of the FCNM,⁷ it is nevertheless important due to the otherwise exclusion from rights guaranteed by the state.

A common challenge of South East European countries is the provision of reliable statistical data. To date, this is particularly an issue in Albania⁸ and "the former

5 See eg ACFC, third opinion on Croatia, 2010, paras. 42–46.

6 Venice Commission, Report on Non-Citizens and Minority Rights, adopted on 15–16 December 2006, CDL-AD(2007)001.

7 See eg. ACFC, third opinion on "the former Yugoslav Republic of Macedonia", 2011, para. 33. All references to ACFC monitoring are taken from the third opinion as the fourth opinion on "the former Yugoslav Republic of Macedonia", adopted in February 2016, was still restricted at the time of writing.

8 In the context of the 2011 census, the ACFC was concerned by the introduction of fines in case the information given in the census did not correspond with the civil registry. It called on the authorities, "to observe strictly the right to self-identification In particular,

Yugoslav Republic of Macedonia”.⁹ In Bosnia and Herzegovina, the first census since 1991 took place in 2013. Final results were published only in the beginning of July 2016. As has been stressed by the ACFC in its Thematic Commentary on Participation, “[r]eliable and easily accessible data is an essential precondition for developing effective measures to address socio-economic discrimination and encourage effective equality”.¹⁰ Even where census results exist, minorities are often undercounted.

Minority culture

The promotion of “conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity” is the core obligation of state parties to the FCNM under Art. 5. Under this provision the monitoring activities of the ACFC focus on the financial support granted by state or sub-state institutions for the protection and promotion of minorities’ cultures and the establishment of a transparent allocation system which provides for the possibility for minority representatives to be adequately involved. Under the ECRML, all countries that have ratified this instrument have selected the undertaking to encourage cultural activities specific to regional minority languages in these languages. In addition, Serbia and Montenegro undertake to foster the distribution of works produced in minority languages beyond their language community and to foster access in minority language to works produced in other languages (by supporting translation etc.). All beneficiaries committed themselves to encourage direct participation of representatives of minority language users in planning cultural activities. All but Croatia also undertook to promote cultural activities also outside the area in which a specific minority language is traditionally used.

In Albania, there is a lack of legislative or other measures for the protection and promotion of minority cultures. The National Plan for the Implementation of the Stabilisation and Association Agreement 2007–13 foresaw the creation of a special fund to finance projects aimed at preserving and developing minority cultures, but the fund has not been established. The ACFC found that the financing that is taking place on an ad hoc basis is “inadequate and unreliable”.¹¹

State and entity laws in Bosnia and Herzegovina oblige state, entities, cantons and municipalities to earmark funds in their budgets to support the work of national

the Advisory Committee urges the authorities not to apply any fines on persons exercising their right to free self-identification”. ACFC, third opinion on Albania, 2011, paras. 30–51. The results of the census were contested by minority representatives as not reflecting the reality on the ground. See Committee of Ministers resolution on the implementation of the FCNM by Albania, 2014.

9 The census scheduled for 2011 was interrupted and cancelled. The use of administrative registries is being considered as an alternative methodology to a population census. European Commission, The former Yugoslav Republic of Macedonia, Progress Report, 2014, 7.

10 ACFC, Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, ACFC/31DOC(2008)001, 4.

11 ACFC, third opinion on Albania, 2011, paras. 26 and 79–83.

minorities' associations.¹² In practice, very few associations receive support and the amounts disbursed are very low. In view of the small size of the minorities, the ACFC considered increased support to maintaining minorities' culture as essential. Most measures are taken at municipal level, which do not have entity- or country-wide visibility. In the view of the ACFC, minorities are not adequately consulted in decision-making processes related to financing activities in the area of minority culture.¹³ Also the Committee of Experts of the European Charter for Regional of Minority Languages (COMEX) criticized the lack of a dedicated scheme providing regular and stable financial support to cultural activities and facilities relating to minority languages. The existing funding is project-based and takes place at municipal or cantonal level.¹⁴

In Croatia, the Council for National Minorities has the task to "disburse the central budgetary funds earmarked for the needs of national minorities."¹⁵ Minority representatives criticize unequal access to the funds claiming that the Council tends to favour certain associations. Minority representatives perceive allocated funds as being insufficient but additional support is made available at local level. Minority representatives widely share the view that the approach towards national minority culture is a "folklore orientation". The ACFC recommends to promote inter-cultural events and to counter the marginalization of minority culture as separate and foreign.¹⁶ In its most recent report on Croatia, the COMEX only commented on the creation of a body "responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages" and found that Croatia fulfilled these obligations.

In Montenegro, the Law on Culture of 2008 regulates the promotion of culture based on equal preservation of all cultural identities and respect for cultural diversity. It obliges the state to create conditions for the "preservation of original and traditional culture and ethno-cultural characteristics."¹⁷ The National Programme for Culture Development 2011–15 included goals and priorities for the development of culture in Montenegro as a "multi-national, multi-cultural and multi-religious country". In 2009 a Centre for the Preservation and Development of Minority Cultures has been established. In spite of all these measures, financial support is reportedly too limited and insufficient and minority representatives are not adequately involved in decision making processes on allocation of funds. In the latest report of the COMEX on the implementation of the ECRML in Montenegro, the Committee monitored only the implementation of the paragraph dealing with the promotion of cultural activities outside the area in which a minority language is traditionally used, but it was not in a position to conclude on the fulfilment of this undertaking.

12 State Law on National Minorities, Art. 8; Law on National Minorities of the Republika Srpska, Art. 5; Law on National Minorities of the Federation, Art. 6.

13 ACFC, third opinion on Bosnia and Herzegovina, 2013, paras. 81–84.

14 COMEX, first report on Bosnia and Herzegovina, 2013, finding H.

15 Constitutional Law on the Protection of National Minorities (CLNM), Art. 35(4).

16 ACFC, fourth opinion on Croatia, 2015, paras. 36–40.

17 ACFC, second opinion on Montenegro, 2013, para. 79.

The Serbian Law on National Councils for National Minorities of 2009 and procedural rules at state and provincial level for the allocation of public funds to their work contributed to greater clarity as to the available funding for minority activities. The ACFC found in its last opinion, that funding has increased. However, smaller or more recently recognized minorities are reportedly disadvantaged by the system for allocating funds. Further, discrepancies exist between support available to minorities whose minority council is based in Vojvodina and those whose council is based in other parts of Serbia, as Vojvodina as providing additional provincial support.¹⁸ According to the COMEX, most undertakings were not fulfilled or it was not in a position to conclude on their fulfilment. Only the access in Bulgarian and Ukrainian to cultural work produced in other languages was satisfactory.

The Ministry of Culture of “the former Yugoslav Republic of Macedonia” (that has established a Bureau for Promotion and Advancement of the Culture of Communities) and local authorities provide funding to support minority communities’ culture. The ACFC noted that various interlocutors found the funding insufficient, especially for numerically smaller groups. It further noted that minorities are not adequately involved in decision-making on allocation of funds.¹⁹ The project implemented in Staro Nagoričane to be analysed below has targeted two of the numerically smaller minorities, the Serbs and the Roma, and is an example of the fact that very often it remains with the local level to provide support to cultural activities of national minorities.

Kosovo* does not foresee an institutionalized system for the preservation and development of the culture of smaller communities. These communities are thus under the impression that only the Serb culture is being promoted and protected. The ACFC noted with “deep concern the absence of a cultural policy that clearly aims for a multicultural society.”²⁰

A common issue throughout the beneficiaries is that public financial support is limited and not sufficient to preserve and develop minority culture. In some of the countries this particularly affects smaller minorities.²¹ The ACFC calls on authorities to seek to increase funds available for minority culture and to ensure that financial difficulties do not disproportionately affect minority culture. In most of the beneficiaries the ACFC further found that minority representatives are not adequately involved in decision-making on the allocation of funds for cultural projects.²² In the cases of Croatia and Kosovo* it explicitly encouraged a stronger focus on inter- and multi-cultural activities, aiming at the creation of a multicultural society and the promotion of diversity.

18 ACFC, third opinion on Serbia, 2013, paras. 85–90.

19 ACFC, third opinion on “the former Yugoslav Republic of Macedonia”, 2011, paras. 75–78.

20 ACFC, third opinion on Kosovo*, 2013, para. 64.

21 According to the findings of the ACFC, this is the case for Bosnia and Herzegovina, Serbia, “the former Yugoslav Republic of Macedonia” and Kosovo*.

22 According to the findings of the ACFC, this is the case for Bosnia and Herzegovina, Montenegro, “the former Yugoslav Republic of Macedonia” and Kosovo*.

Arts. 10 and 11 of the FCNM and Art. 10 of the ECRML regulate the use of minority languages in relations with administrative authorities as well as for topographical indications. For the obligation of states regarding the former, the FCNM foresees a number of limitations. An area must be “inhabited by persons belonging to national minorities traditionally or in substantial numbers”²⁴ those persons must “so request” and if the “request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.” The conditions for the latter are not as many but the area must be “traditionally inhabited by substantial numbers of persons belonging to a national minority”. The ECRML on the other hand, does not require a request by the persons concerned nor that such requests corresponds to a real need. The Charter offers a detailed set of possibilities to choose from, ranging from an equalization of state and minority language to the provision of translation or interpretations as may be required. The number of residents who use the minority language must justify the selected undertaking. State parties are under the obligation to choose at least one out of the 21 paragraphs and subparagraphs. All countries that have ratified the ECRML pledge to ensure that users of minority languages can submit oral and written applications to offices of state, regional and local authorities and to allow state administrative authorities to draft documents in such a language. They further undertake to use or adopt place-names in regional or minority languages, if the number of users of a minority language in the respective municipality or region is such to justify this measure. Other undertakings vary per country.

Both the ACFC as well as the COMEX have dealt a lot with the question of what constitutes a substantial number (as requested by the FCNM) or a number that justifies a certain measure (as required under the ECRML). In this regards, the legislation of the beneficiaries presents the following picture:

The State Law on National Minorities of Bosnia and Herzegovina²⁵ obliges municipalities with a majority²⁶ of minority population to use the language of this minority in the relations between local authorities and persons belonging to this national minority. With a minority population of at least one third the municipality can decide to permit for such use. Both Entity laws²⁷ are more flexible in that they

23 Based on a considerably revised and updated version of Emma Lantschner, “Emerging European Standards of Minority Protection through Soft Jurisprudence?”, in Emma Lantschner et al. (eds.), *European Integration and its Effects on Minority Protection in South Eastern Europe*, Nomos, Baden-Baden, 2008, pg. 53–83, at pg. 65–67.

24 Emphasis added. This means, that either one criterion is sufficient to claim access to this right.

25 Law on the Rights of National Minorities, 2003, Art. 12.

26 Initially the law requested an “absolute or relative” majority of minority population, which was dropped with amendments in 2005.

27 Law on Protection of Rights of National Minorities of the Republika Srpska, 2005 and Law on Protection of Rights Members of National Minorities in the Federation of BiH, 2006, both Art. 9.

foresee no threshold that must be fulfilled in order for municipalities to voluntarily decide to allow for the use of minority languages. The same thresholds apply for the use of topographical indications. This legal situation has, however, led to only rare cases in practice which is justified by the authorities by the fact that minority members speak official languages and have not requested to use their language in official dealings or for topographical indications. Initial Croatian legislation on the use of minority language in administrative dealings at the local level and for topographical indications also foresaw a 50% threshold which was later lowered to one third, with the possibility of voluntary introduction of the minority language in official use by statute below that threshold.²⁸ Art. 11 of the 2006 Minority Law of Montenegro requires minorities to constitute “the majority or a considerable part of the population” in order to use their minority language in relations with public administration or for topographical indications. Macedonian legislation foresees a 20% threshold for topographical indications in a minority language and the use of that language with public authorities.²⁹ In Serbia the threshold is set at 15%.³⁰

From the opinions of the ACFC on these beneficiaries it becomes clear that a percentage of minority population as high as 50% of the population living in a municipality goes beyond the requirement of “substantial numbers”.³¹ In case of Montenegro the ACFC was of the opinion that the wording of the law “may be subject to restrictive interpretations” and therefore asked the authorities to “bring legal clarity in order to ensure that local authorities interpret this requirement in a manner which is in keeping with the principles of the Framework Convention”.³² In the second opinion on Croatia, the ACFC welcomes the lowering of the necessary percentage in the population from the majority to one third, but was still of the opinion that it excluded a number of municipalities with a substantial number of persons belonging to national minorities.³³ In the third opinion it calls the still existing threshold of one third “high”. Similar to the first opinion on Bosnia and Herzegovina,³⁴ the ACFC recommends encouraging authorities in areas where

28 See Art. 12 of the CLNM (which foresees the official use of minority languages also if agreed in international treaties) and Art. 4 of the Law on the Usage of Language and Script of National Minorities.

29 Art. 7 of the Constitution; Law on Local Self-Government, Official Gazette of RM no. 5/2002; Law on the Use of the Language Spoken by at least 20% of the Citizens of the Republic of Macedonia and the Local Government Units, Official Gazette of R.M. 101/2008. The ACFC further welcomed “the fact that local authorities have the possibility to decide on the use of languages that are spoken by less than 20% of the population (see Art. 7 of the Constitution and Art. 90 (2) of the Law on Local Self-Government of 24 January 2002).” ACFC, first opinion on “the former Yugoslav Republic of Macedonia”, 2004, para. 69.

30 Art. 11 of the Law on the Protection of Rights and Freedoms of National Minorities. For the competencies of National Councils of National Minorities in the field of official use of languages and script, see Arts. 21–22 of the Law on National Councils of National Minorities of 2009.

31 On topographical indications, e.g. ACFC, first opinion on Bosnia and Herzegovina, 2004, para. 82, second opinion on Bosnia and Herzegovina, 2008, para. 163 and first opinion on Croatia, 2001, para. 46. On the contact with public authorities, e.g. ACFC, first opinion on Bosnia and Herzegovina, 2004 paras. 78–81, second opinion on Bosnia and Herzegovina, 2008, para. 158, and first opinion on Croatia, 2001, paras. 43–45.

32 ACFC, first opinion on Montenegro, 2008, paras. 73 and 73.

33 ACFC, second opinion on Croatia, 2004, para. 112.

34 ACFC, first opinion on Bosnia and Herzegovina, 2004, paras. 79–82.

minorities do not constitute one third of the population but reside, nevertheless, in substantial numbers “to use their discretionary power to introduce possibilities to use a minority language in relations with administrative authorities”³⁵. In its last opinion it reminded Croatian authorities of its general view “that numerical thresholds should not be relied on too strictly and that flexibility and caution should be applied in particular when using statistical data for the application of minority rights.”³⁶ In the second opinion on Bosnia and Herzegovina, the ACFC considered that the one third threshold contained in the state law “in practice impedes the use of minority languages, including in areas traditionally inhabited by persons belonging to national minorities” (a condition which alone would make Art. 10(2) FCNM applicable)³⁷ and explicitly considered it being “too high” in the context of topographical indications.³⁸ In the third opinion it repeated its standpoint that more should be done to assess the needs and demands of persons belonging to national minorities.³⁹ ACFC and COMEX concur in that they consider the level of knowledge of the state language irrelevant for the determination of the need, and that the request should be actively generated.⁴⁰ Legislation that introduced topographical indications in a minority language or granted the use of that language with public authorities with 20%, such as the Macedonian legislation, or 15% minority population, as in the case of Serbia, was welcomed by the ACFC.⁴¹ In these cases the ACFC found difficulties in the implementation of these rights connected with slow progress, partly connected with resistance at the local level, a lack of qualified interpreters and translators or the insufficient knowledge of minority languages by civil servants. It recommended states to make additional efforts to ensure a more consistent implementation and to provide financial means to overcome these problems.

The position of the COMEX on quotas is somewhat stricter. If a quota cannot be reached by any or only by one municipality, it is not compatible with the spirit of the Charter. It is a standing interpretation of the Charter by the COMEX, that a 20% threshold taken alone is too high and that “the number of people justifying protection measures under the Charter would commonly be well below this percentage.”⁴² A quota below 10% can, in specific circumstances, be reasonable.⁴³

35 ACFC, second opinion on Croatia, 2004, para. 114 and third opinion on Croatia, 2010, para. 141.

36 ACFC, fourth opinion on Croatia, 2015, para. 57.

37 See also ACFC, fourth opinion on Croatia, 2015, para. 57.

38 ACFC, second opinion on Bosnia and Herzegovina, 2008, paras. 158 and 163.

39 ACFC, third opinion on Bosnia and Herzegovina, 2013, paras. 111 and 116.

40 See, eg, COMEX, first report on Bosnia and Herzegovina, 2013, paras. 125 and 128, fifth report on Croatia, 2014, para. 96.

41 20% for topographical indications, ACFC, first opinion on “the former Yugoslav Republic of Macedonia”, 2004, para. 73; 20% for the contact with public authorities, ACFC, first opinion on “the former Yugoslav Republic of Macedonia”, 2004, paras. 67–68; 15% for the contact with public authorities, ACFC, first opinion on Serbia and Montenegro, 2003, para. 76.

42 See already COMEX, first report on Slovakia, 2005, para. 42, 44 and 47, repeated in fifth report on Croatia, 2014, para. 25, and in third report on Montenegro, 2015, para. 21.

43 See Jutta Engbers, “Artikel 10”, in Sigrid Boysen et al. (eds.) *Europäische Charta der Regional- oder Minderheitensprachen. Handkommentar*, 2011, pg. 249–284, at pg. 257–258.

Consequently, the COMEX considered that the 15% threshold introduced by Serbian legislation prevents the application of the Charter in areas inhabited by a sufficient number of speakers of a minority language. It welcomed the fact that regional and minority languages have, nevertheless, been introduced in official use on a voluntary basis by a number of municipalities and urged authorities to continue identification of such municipal territories.⁴⁴ In the case of Bosnia and Herzegovina it thus encouraged authorities to lower the thresholds and to implement the chosen undertakings even where thresholds are not met.⁴⁵ Gradiška municipality is mentioned several times as being particularly relevant for the implementation of undertakings under Art. 10 ECRML. The translation of official municipality webpages, or the display of place names in minority language on public signs for touristic an information purpose have been mentioned as possible ways for implementing the undertakings chosen by Bosnia and Herzegovina regarding this article. Also in the case of Croatia it encouraged the implementation of Art. 10 undertakings in municipalities with less than one third minority population. The city of Pula/Pola was mentioned in this context as an example of good practice.⁴⁶ But even in those cases where the use of a minority language is formally foreseen, the COMEX found varying practice,⁴⁷ ranging from effective use of Italian, to partial (Hungarian, Serbian), emblematic (Czech) or no use (Ruthenian, Slovak, Ukrainian). It critically noted the lack of use of Serbian because of fear of resentment among the speakers⁴⁸ and the complete lack of awareness at county level of the obligations under the Charter.⁴⁹ In November 2015, the COMEX decided to review the application of the Charter between two monitoring cycles as a reaction to the decision of the city of Vukovar not to provide bilingual signs at official institutions and streets of the city. It further decided to follow this situation continuously and to start a dialogue with the authorities about this issue.⁵⁰ The fourth opinion of the ACFC on Croatia of the year 2015 dedicated large parts of its comments under Art. 11 to this situation. It was deeply concerned about the violent protests against the placement of bilingual plaques in Latin and Cyrillic script and urged authorities “to raise awareness among the public of Croatia’s international and national legal obligations towards national minorities.”⁵¹ Similar to the ACFC, the COMEX encouraged Montenegrin authorities to clarify what constituted a “considerable part” of the population as the legal uncertainty with respect to this concept can, in practice, lead to situations where municipalities take only the majority criterion into account when deciding about the co-officiality of a minority language.⁵²

44 COMEX, second report on Serbia, 2013, paras. 8–11.

45 COMEX, first report Bosnia and Herzegovina, 2013, paras. 35–36 and 136.

46 COMEX, fifth report on Croatia, 2014, para. 27.

47 In its fourth opinion on Croatia, 2015, para. 62, the ACFC also noted that the level of implementation of legal provisions varied “according to the level of societal cohesion”.

48 For similar findings of the ACFC see fourth opinion on Croatia, 2015, paras. 64–67.

49 COMEX, fifth report on Croatia, Finding F.

50 Parliamentary Assembly of the Council of Europe, Application of the European Charter for Regional or Minority Languages Biennial Report by the Secretary General of the Council of Europe to the Parliamentary Assembly, 2 March 2016, 9.

51 ACFC, fourth opinion on Croatia, 2015, paras. 62–67.

52 COMEX, third report on Montenegro, 2014, paras. 16–21.

In general, the COMEX found that Montenegro is showing best practice in implementing the Charter in municipalities where Albanian is in official use, while most undertakings applying to Romani are not fulfilled.⁵³

The legislation that is friendliest to minorities, and most ambitious in terms of official use of minority languages can be found in Kosovo*.⁵⁴ According to the 2006 Law on the Use of Languages,⁵⁵ Albanian and Serbian are both official languages and, as such, they have equal status and equal rights as to their use in all Kosovo* institutions.⁵⁶ At the municipal level, other languages, such as Turkish, Bosnian and Romani, can have the “status of an official language” if at least 5% of the inhabitants of the municipality are members of such a community. In such a case, a minority language shall be used equally alongside Albanian and Serbian.⁵⁷ By law, in Prizren, the Turkish language has the status of an official language. Speakers of a language that has the status of an official language have the same rights as Albanian and Serbian speakers.⁵⁸ In municipalities where a minority community represents at least 3% of the population or where a language is traditionally spoken, the language of that community shall have the “status of a language in official use”.⁵⁹ Speakers of these languages have the right to present to municipal institutions oral and written submissions and documents in their mother tongue and to receive a reply in that language. Municipal regulations shall be translated and published in a language in official use only if the respective community makes a request. In the work and meetings of municipal representative bodies and in public meetings organised by the municipality, members of communities whose mother tongue is not an official language have the right to use their language. If requested, interpretation shall be ensured.⁶⁰ This legislation provides for a much higher level of protection as compared to most other European countries but implementation continues to be a huge challenge for the authorities at all levels. This has been underlined also by the ACFC in its latest opinion, where it described Kosovo’s* legislation as “one of the most ambitious in Europe in terms of its low thresholds”, but found that implementations “appears to have further deteriorated.”⁶¹ The ACFC expressed concern about the lack of will in many municipalities to provide even basic services in languages of the minority communities and the increasing difficulty

53 Ibid., findings A and D.

54 This paragraph is based on a revised and updated version of Emma Lantschner, “Protection of Minority Communities in Kosovo: Legally Ahead of European Standards – Practically Still a Long Way to Go”, 33(4) *Review of Central and East European Law*, 2008, pg. 451–490, at pg. 468–469.

55 Law on the Use of Languages, Law No. 02/L-37 adopted on 27 July 2006.

56 Arts. 1(1)(ii) and 2 Language Law.

57 Arts. 1(2) and 2(3), Language Law.

58 Art. 7 Language Law.

59 Art. 2(4) Language Law. Art. 2(4) Language Law. For an overview of which language is official where, see Republic of Kosovo, Office of the Language Commissioner, *Monitoring and Evaluation of Language Rights in Kosovo*, March 2015, 25, at <http://www.ecmikosovo.org/uploads/English322.pdf>.

60 Art. 8 Language Law.

61 ACFC, third opinion on Kosovo*, 2013, para. 18.

to recruit public servants proficient in both official languages, let alone relevant minority languages.⁶²

In conclusion, this comparative overview has shown that apart from Kosovo's* legislation, the laws of other beneficiaries rely on (too) high thresholds leaving it mostly to the discretionary power of local authorities to allow for the use of minority languages in areas where the minority population is below these thresholds. This legislation thus neglects to a large extent that at least Art. 10(2) on the use of minority languages in relations with public administration is applicable also in situations where the respective minority settles "traditionally" in a certain area, no matter its size. As the case of Kosovo* highlights, even low thresholds might be insufficient, if implementation is lacking.

Right to education

Access to quality education lays the ground for the possibilities of participation in public, cultural, social and economic life. As persons belonging to national minorities may face difficulties in all these fields it is of utmost importance that children belonging to national minorities receive particular attention regarding their right to education.

While Articles 12–14 FCNM are the provisions specifically dedicated to education, Articles 4–6 FCNM are equally relevant in this context. Especially Art. 6 expresses what the goal of educational policies according to the FCNM should be: the promotion and protection of minority languages and cultures, the development of intercultural contacts and dialogue, the encouragement of a spirit of tolerance in all educational efforts and an ethos of bi- and plurilingualism. Apart from providing a range of options with regard to the teaching in or of minority languages at all levels of education, Art. 8 ECRML contains also undertakings related to the teaching of history and culture reflected by regional or minority languages, the training of teachers and the establishment of monitoring mechanism for minority language education.

The Albanian Constitution⁶³ and the Law on Pre-University Education System⁶⁴ guarantee to persons belonging to national minorities the right to study and to be taught in their mother tongue and to learn about their culture and history within the framework of teaching programs and plans. According to the last opinion of the ACFC back in 2011, the "possibilities for learning minority languages and receiving instruction in these languages remain insufficient" and numerous requests for teaching in or of minority languages have not been favourably received by the authorities. Authorities were thus encouraged to intensify the dialogue with those concerned and to analyse the existing requests.⁶⁵ Of particular concern to

62 Ibid.

63 Art. 20(2) of the Albanian Constitution.

64 Law No. 7952 dated 21.06.1995, Art. 10 point 1.

65 ACFC, third opinion on Albania, 2011, para. 20, 161, 166.

the ACFC was the situation of Roma and it recommended strengthening efforts regarding access to pre-school facilities and adult illiteracy.⁶⁶

The original version of the Bosnia and Herzegovina Law on National Minorities provided for the opening of classes receiving instruction in minority languages when the absolute or relative majority of the population in the municipality concerned belonged to that minority. The amendments of 2005 lowered this threshold to one third to give rise to an obligation to provide education in the minority language and to one fifth to secure optional lessons in that language. The minority laws at entity level also foresee such high thresholds (absolute or relative majority in case of Republika Srpska, one third or one fifth in case of the Federation). These thresholds have been considered too high by the ACFC as in practice no school provides for teaching in a minority language and only a very few schools provide optional classes in such languages. Critical points in the second opinion by the ACFC were not only the inappropriate legislative framework but also the fact that needs expressed by national minorities were not carefully considered and teaching materials were lacking.⁶⁷ In the third opinion the field of education covered large parts of the issues for immediate action, including a) the elimination of segregation in education by abolishing all cases of “two schools under one roof” and replacing them with integrated education, and b) the application of a common core curriculum also for such subjects as history, geography and religion, thereby clearly favouring an inclusive approach to the teaching of these subjects.⁶⁸ It again called on the authorities at all levels to take a proactive approach and to duly assess the needs and demands of persons belonging to national minorities in this field.⁶⁹ As with regard to language rights, the COMEX notes in its first report that Article 8 of the Charter applies also to areas where persons belonging to national minorities do not attain the above mentioned thresholds but nevertheless represent a sufficient number for the purpose of the respective undertaking.⁷⁰ It further notes that 15 out of the 17 languages covered by the undertaking related to primary education are not taught at this level in public institutions and no teachers seem to be available for teaching these languages.⁷¹ The same is true for 14 languages at the level of secondary education. It thus encouraged authorities to inform pupils and parents “actively about the offer and encourage them to make use of it.”⁷²

The Constitutional Law on the Protection of National Minorities (CLNM) of Croatia⁷³ and the Law on Education in the Language and Script of National Minorities assure the right to education in or of the languages and scripts of national minorities. The Law foresees three models: in Model A classes, all instruction is provided

66 ACFC, third opinion on Albania, 2011, paras. 145–154.

67 ACFC, second opinion on Bosnia and Herzegovina, 2008, paras. 186–192.

68 ACFC, third opinion on Bosnia and Herzegovina, 2013, pg.2 and paras. 119–124.

69 Ibid., paras. 143–145.

70 COMEX, first report on Bosnia and Herzegovina, para. 76.

71 Ibid., 80–83.

72 Ibid. paras. 86–94.

73 Art. 7 and especially Art. 11.

in the minority language with compulsory learning of Croatian; Model B classes provide bilingual instruction, where natural sciences are taught in the Croatian language, while the social science curriculum is taught in a national minority language; Model C classes provide instruction in Croatian, while two to five hours per week are taught in a minority language, including instruction on the literature, geography, history, music and arts of the respective minority.⁷⁴ Model B is the one least applied. The COMEX found that the “effectiveness of Model C education is hampered by the fact that it is mostly taught outside the regular timetable.”⁷⁵ While being generally satisfied with the system of minority language teaching established by Croatia, the ACFC encouraged the authorities to continuously assess the demand and actual needs of minorities. Further efforts should be put to the training of teachers (especially in Romani and regarding their capacity to accommodate diversity in the classroom) and the development of teaching materials so that they adequately reflect Croatian society’s diversity, including the multiple historical perspectives. The authorities were further asked by both monitoring bodies to consider encouraging bi- and multilingual education.⁷⁶ The European Court of Human Rights (ECtHR) ruled that the segregation of Roma children in three Croatian elementary schools into separate classes based on language constitutes unlawful discrimination, violating the European Convention on Human Rights (ECHR).⁷⁷ In its latest opinion of 2015, the ACFC found that “[e]qual access to education [in particular for Roma children] remains a concern” and that that classes where only Roma children are educated have even increased since the ECtHR’s judgment.⁷⁸

The right to receive education in minority languages is included in the Montenegrin Constitution and is further guaranteed in the General Law on Education⁷⁹ and in the 2006 Minority Law.⁸⁰ From these provisions it results that teaching in a minority language is foreseen in the municipalities where a national minority constitutes “a majority or a significant part of the population”. As with linguistic rights, the ACFC raised concerns over the legal certainty of such thresholds and found that the provision applies in practice only to the Albanian minority.⁸¹ It was further concerned by the limited possibility of continuing education in Albanian at the secondary level.⁸² The minimum number of pupils required for opening a class with minority language teaching can be lower than for classes in the state language but in no case should it be less than 50% of the number of pupils required by law. When the teaching is delivered in a minority language, the official language and its alphabets shall be compulsory. Montenegrin legislation

74 Fourth state report by Croatia under the FCNM, 75–76.

75 COMEX, fourth report on Croatia, 2014, finding D.

76 ACFC, third opinion on Croatia, 2010, paras. 163–169; fourth opinion on Croatia, 2015, paras. 73–76 and 81. See also COMEX, fourth report on Croatia, 2014, finding D.

77 ECtHR, *Oršuš and others v. Croatia*, Application No. 15766/03, Judgment (Grand Chamber) of 16 March 2010.

78 ACFC, fourth opinion on Croatia, 2015, para. 68.

79 Art. 11(2) General Law on Education.

80 Art. 13 Law on Minority Rights and Freedoms.

81 ACFC, second opinion on Montenegro, 2013, para. 170.

82 Ibid.

further foresees that 20% of the curriculum can be devoted to the needs and interests of persons belonging to national minorities, for instance by addressing their culture, history and language. However, local schools rarely make use of this possibility.⁸³ Both ACFC and COMEX asked authorities ensure that translation of textbooks from Montenegrin to Albanian is of good quality and in general that all necessary textbooks are provided.⁸⁴ Of relevance for the project implemented in Tivat are the ACFC comments welcoming initiatives aiming at facilitating the primary school enrolment of Roma children but at the same time asking for more sustained efforts to this effect.⁸⁵ As an outstanding issue the ACFC mentioned the fact that Roma educational assistants, apart from being insufficient in their numbers, are working under precarious positions, as their legal status is not defined and they are employed on temporary contracts.⁸⁶ It found an urgent need for sustained efforts with regard to an increase of Roma children continuing their education beyond the primary level and welcomed initiatives taken to that effect by the Montenegrin authorities.⁸⁷ All these issues are addressed by the project implemented in Tivat. The fact that Romani is not included in the curriculum was justified by the authorities by the fact that it had not yet been standardized and there was no qualified teaching staff. The COMEX held that, while the codification process is being completed, local varieties of Romani could at least be used in pre-school education and at lower grades of primary education and that teacher training could be initiated.⁸⁸

In Serbia the right to education *in* minority languages is stipulated by the Constitution and various laws.⁸⁹ Exceptionally, education for persons belonging to minorities may also be performed bilingually or in the Serbian language. At pre-school level this is the case if at least 50% of parents or legal guardians of children⁹⁰ agree. At primary and secondary level, the respective laws prescribe a minimum number of 15 pupils for education to be provided in the minority language or bilingually. The Ministry of Education can waive this requirement, after having obtained an opinion by the appropriate National Council of a national minority. In classes with a minority language and script as medium of instruction, the teaching of Serbian is obligatory. Where children belonging to minorities are taught in Serbian, classes in the language and script of the respective minority with elements of the national culture are organized as

83 ACFC, second opinion on Montenegro, 2013, para. 23 and 144. See also COMEX, third report on Montenegro, 2014, para. 82.

84 ACFC, second opinion on Montenegro, 2013, paras. 145–146, COMEX, third report on Montenegro, 2014, paras. 73–74.

85 *Ibid.*, para. 153, 160.

86 *Ibid.* para. 155.

87 *Ibid.*, paras. 24–25, 150–152, 156.

88 COMEX, third report on Montenegro, 2014, 53–54, 133–136.

89 Constitution of Serbia, Art. 79; Law on National Minorities, Arts. 13–15; Law on Pre-school Education, Official Gazette, no.72/2009 and 18/2010, Art. 5(2); Law on the Basis of the Educational System, Official Gazette, no. 72/2009, 52/2011 and 55/2013, Art. 9(2) (amendments to this law have been discussed in 2015); Law on National Councils of National Minorities, Official Gazette no. 72/2009, Art. 11–15.

90 50% of parents or legal guardians of children, presumably per class, but the law is not explicit on that.

elective subject.⁹¹ Extensive competencies of National Councils for National Minorities in the field of education are laid down in Arts. 11–15 of the Law on National Councils for National Minorities, including the possibility to participate in the development of minority education. In its third opinion the ACFC identified as issues which require immediate action to “eliminate segregation of Roma children in education and devise without delay measures to effectively increase [their] access to mainstream education as well as to improve education outcomes for Roma children”.⁹² It further identified a need to carry out formal surveys to determine the number of pupils wishing to receive education in the minority language, a lack of political will to apply the laws on primary and secondary education at local level in some cases, “continued resistance in this respect by some school principals, the organisation of optional mother tongue classes at inconvenient times and in inconvenient locations, and the lack of adequate textbooks.”⁹³ The COMEX was explicit in its assessment that the number of 15 pupils for education to be provided in the minority language or bilingually “is too high for the requirements under the Charter” but noted that authorities make use of their possibility to waive this requirement. On the positive side it noted that all languages coming under Part III protection are present in primary education.⁹⁴

In the Macedonian Constitutional framework, the area of education⁹⁵ belongs to those fields for which the adoption of laws requires a double majority: the majority of votes of the representatives attending, within which there must be a majority of the votes of the representatives attending who belong to communities not in the majority in the population of “the former Yugoslav Republic of Macedonia”.⁹⁶ According to the Macedonian Constitution, persons belonging to minority communities have the right to instruction *in* their language in primary and secondary education. In schools where education is carried out in the language of a minority, Macedonian is also studied.⁹⁷ The details of this right are specified in the Law on Primary Education,⁹⁸ the Law on Secondary Education,⁹⁹ and the Higher Education Act, the latter providing for minority language education only for those minorities representing more than 20% of the population (in practice only for Albanians). According to the opinion of the ACFC, “a well-developed system of minority language teaching exists” in “the former Yugoslav Republic of Macedonia”, including a number of bilingual schools.¹⁰⁰ Still, it encouraged authorities “to assess whether the framework for teaching minority

91 Law on Primary Education, Art. 12; Law on Secondary Education, Art. 5, both Official Gazette no. 55/2013. See also Serbia’s comments to the third opinion of the ACFC, 2014, pg. 40.

92 ACFC, third opinion on Serbia, 2013, 2.

93 Ibid., para. 27, 151–156, 159–162, 172.

94 COMEX, third report on Serbia, 2015, finding E.

95 Next to culture, use of language, personal documentation and the use of symbols.

96 Art. 69 of the Macedonian Constitution, the so-called “Badinter majority”.

97 Constitution of Macedonia, Art. 48(4).

98 Macedonian Law on Primary Education, Official Gazette of RM No. 103/08.

99 Macedonian Law on Secondary Education, Official Gazette of RM No 52/2002.

100 ACFC, third opinion on “the former Yugoslav Republic of Macedonia”, 2011, paras. 154–156.

languages corresponds to actual needs". Further it called on authorities to ensure an adequate supply of textbooks in minority languages.¹⁰¹ An issue for immediate action remained the allocation of adequate resources to address the situation of Roma with regard to, amongst others, education.¹⁰²

The legislative framework that has emerged after the declaration of independence of Kosovo* and the 2013 Brussels agreement between Serbia and Kosovo*¹⁰³ allows the Serbian schooling system to remain largely autonomous – i.e. connected with the Serbian Ministry of Education – while giving the Ministry of Education of Kosovo* a say in the use of curricula and textbooks. The legal system¹⁰⁴ foresees the right of all persons belonging to communities to receive public education at all levels in one of the official languages of their choice, those languages being Albanian and Serbian. The Law on Education in the Municipalities of the Republic of Kosovo* further regulates, that “[s]chools that teach in the Serbian language may apply curricula or textbooks developed by the Ministry of Education of the Republic of Serbia”.¹⁰⁵ This requires, however, prior notification to the Kosovo* Ministry of Education, which can raise an objection within three months. In this case, the curriculum or textbook has to be referred to an independent commission.¹⁰⁶ As the Kosovo* Ministry of Education has not developed either curriculum or textbooks in the Serbian language, the use of curriculum and textbooks developed in Serbia are the only option for the Serb community. Persons belonging to other minority communities are entitled to pre-school, primary and secondary public education in their own language.¹⁰⁷ In these cases, “pupils shall also learn an official language of their choice”.¹⁰⁸ The threshold for establishing classes or schools operating in community languages should be lower than thresholds normally stipulated for educational institutions and classes. Where there are not enough pupils to establish a class using a community’s language as a language of instruction, the government “has an obligation to offer alternatives, including subsidised transport to an area where such schooling is being offered, distance learning, roving teaching arrangements or offers of boarding”.¹⁰⁹ In its third opinion on Kosovo*, the ACFC found that

101 Ibid, para. 162.

102 Ibid, Executive Summary.

103 This paragraph is based on Emma Lantschner, “Protection of Minority Communities in Kosovo: Legally Ahead of European Standards – Practically Still a Long Way to Go”, 33(4) *Review of Central and East European Law*, 2008, pg. 451–490, at pg. 462–465.

104 Art. 59(2) Constitution; and Art. 8(1) Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (hereinafter “Law on Communities”).

105 Law on Education in the Municipalities of the Republic of Kosovo, No.03/L-068, signed 21 May 2008, Art. 12(2).

106 Art. 13 of the Law on Education. This commission is composed of three members selected by the Ministry of Education, three of the members holding reserved seats for the Kosovo* Serb community and one international member selected by and representing the International Civilian Representative. All decisions are taken by majority vote.

107 Art. 59(3) Constitution of Kosovo; and Art. 8(1) Law on Communities. Children of the Bosniak community only have the option to study in Serbian under the curriculum of Serbia, as Kosovo* does not offer them an alternative.

108 Art. 8(10) Law on Communities.

109 Art. 59(3) Constitution of Kosovo; Art. 8(1–2) of the Law on Communities.

“[t]here is almost no interaction among children attending the different school systems.”¹¹⁰ It thus identified “the establishment of an integrated and multilingual education system” as an issue for immediate action. Other such issues are the improvement of the “quality of education in the languages of numerically smaller communities”, the removing of “remaining obstacles to access to education for children belonging to the Gorani, Roma, Ashkali and Egyptian communities” and the review of “teaching materials and methodology to render them appropriate for a multi-ethnic society.”¹¹¹

In sum, apart from the thresholds in force in Bosnia and Herzegovina, Montenegro and Serbia, the legal situation in Western Balkan countries regarding the field of education is mostly reflecting the principles laid down in the FCNM and the ECRML, but the practical implementation was not satisfactory. In most cases the monitoring bodies called on authorities to take the demands raised by minorities more seriously. A further problem consisted in the lack of or inadequate training of teachers in minority language and the lack of or low quality of teaching materials. In the cases of Bosnia and Herzegovina, Croatia and Kosovo* the ACFC encouraged the authorities to consider integrated schooling in bi- and multilingual settings, a recommendation that would apply also to “the former Yugoslav Republic of Macedonia”. Equal access to education of Roma children is an issue of concern in most countries under consideration, which requires more sustained efforts by the authorities concerned. The project implemented in Tivat could thus serve as good practice example that could be replicated throughout the region.

Minority media

Art. 9 FCNM contains the freedom to receive and impart information and ideas in minority language and protects persons belonging to minorities from discrimination in their access to the media. As such it clearly interlinks with Art. 4 and 7 of the FCNM, prohibiting discrimination based on belonging to a national minority and stipulating the respect of freedom of expression in general. A link with Art. 6 FCNM, requesting from parties to “encourage a spirit of tolerance and intercultural dialogue”, is given by the fact that Art. 9 requires state parties to adopt adequate measures “in order to promote tolerance and permit cultural pluralism.” In its country-specific monitoring, the ACFC assessed on a case-by-case basis the length and airtime allotted to broadcasting in minority languages, keeping in mind the size and territorial concentration of minorities, the existence of private media broadcasting in minority language and the possibility to receive minority language programmes from neighbouring countries. Under the ECRML, the four countries that have ratified it have all accepted the undertaking “to make adequate provision so that [radio and TV] broadcasters offer programmes in the regional or minority language” in those territories in which those languages are spoken. They also guarantee the freedom to receive TV and radio broadcasts

110 ACFC, third opinion on Kosovo*, 2013, para. 19.

111 Ibid., pg. 2, see also paras. 115–117, 123–124.

from neighbouring countries as well as the representation of interests of minority language users in the bodies ensuring media pluralism and freedom. Other undertakings vary per country.

The Albanian Law on Public and Private Radio and Television guarantees persons belonging to national minorities access to public electronic media in their mother tongue. The same law prohibits programmes inciting aggression, national and racial hatred.¹¹² The Law on Press guarantees freedom of press in general and contains the right for persons belonging to minorities to establish their own printed or electronic media.¹¹³ The legal and practical situation has not changed substantially in the course of the three monitoring cycles undertaken by the ACFC so far. In its latest opinion of 2011 it reiterated its request to the Albanian authorities to financially support print media in minority languages to ensure their regular publication,¹¹⁴ to review the legislative framework concerning broadcast media in order to ensure appropriate access for persons belonging to national minorities and to expand the efforts of public radio and TV networks to include minority language programmes.¹¹⁵

Art. 15 and 16 of the Law on the Rights of National Minorities in Bosnia and Herzegovina lay the basis for the rights of persons belonging to minorities in the field of media. They foresee that “[m]embers of national minorities in BiH shall have a right to establish radio and TV stations, issue newspapers and other printed information journals in the language of a minority they belong to.” Public radio and TV stations are obliged to provide special programmes for national minorities, which “at least once a week” shall be broadcast in minority languages. The law does not, however, specify the minimum length of such programmes. Entity and cantonal regulations are requested to further specify this right on the basis of minorities’ share in the population of the entity, canton, city or municipality. The Communications Regulatory Agency has established that local public radio and TV stations have to devote 10% of the weekly timeslots reserved for news and educational programmes to matters related to persons belonging to national minorities.¹¹⁶ The ACFC noted, however, that this rule has little impact in practice and, in general, “little programming is devoted to national minorities, whether in minority or majority languages.”¹¹⁷ It thus urged authorities to make sure that legal obligations are implemented and to “take determined measures to stimulate broadcasting in minority languages.”¹¹⁸ Also the COMEX came to the conclusion that minority languages are used by public broadcasters only to some extent (regarding 11 languages not at all), for relatively short timeslots and at irregular intervals.¹¹⁹ There are no private TV

112 Law on Public and Private Radio and Television, No. 8410 of 30.09.1998, Official Journal no 24/1998.

113 Law on Press, No. 7756 of 11.10.1993, Official Journal no 13/1997.

114 ACFC, third report on Albania, 2011, paras. 121–123.

115 *Ibid.*, paras. 124–129.

116 Rule 57/2011 of the Communications Regulatory Agency.

117 ACFC, third opinion on Bosnia and Herzegovina, 2013, paras. 103–104.

118 *Ibid.*, para. 107.

119 COMEX, first report on Bosnia and Herzegovina, 2013, paras. 169–170.

or radio stations in regional or minority languages, nor are there newspaper articles in these languages.¹²⁰

The Croatian CLNM ensures minorities' "access to the media and public information services (receiving and disseminating information) in their language and script".¹²¹ Measures to enable the access to the media by persons belonging to national minorities serve the purpose of familiarizing all citizens of Croatia with the history, culture and religion of the national minorities. Radio and TV broadcasters at national, regional and local level have the task to produce and/or broadcast programmes in minority languages and to promote the understanding for members of national minorities. Minority organisations shall be involved in the creation of programmes intended for minorities. The state budget and the budgets of local and regional self-government units shall co-finance such programmes on radio and TV stations owned by minorities.¹²² The Law on the Media includes the duty of the media to promote inter-ethnic tolerance, forbidding dissemination of contents that would be degrading or insulting based on ethnicity.¹²³ The ACFC encouraged the Croatian authorities to mainstream the interests and concerns of persons belonging to national minorities into the regular programming of public TV and radio stations rather than singling them out in short weekly programmes.¹²⁴ Both, the ACFC and COMEX, wish the programme to focus more on issues of general interest to minorities rather than only on culture and folklore of minorities. In particular the COMEX was sceptical about the appropriate broadcasting duration and regularity in the use of various minority languages.¹²⁵ The COMEX criticized the inadequate provision of public radio programmes for all minority languages.¹²⁶ The ACFC further called for the active recruitment of persons belonging to national minorities into the staff of public media.¹²⁷

The Montenegrin Law on Minority Rights and Freedoms contains in Art. 12 an extensive provision on the rights of persons belonging to national minorities in the field of media. According to this provision, they shall have the right to freely establish media and to their unhindered work based on the freedom of expression as well as the free collection and dissemination of information. An appropriate number of hours for broadcasting news, cultural, educational, sports and entertainment programmes in the languages of minorities shall be provided, as well as programme contents related to life, tradition and culture of minorities. Also the financial means for funding such programme contents shall be provided. Programmes on life, culture, and identity of minorities "shall be broadcast in the official language, through the public services, at least once a month." The Law on

120 Ibid., paras. 172–185.

121 Art. 7(6) of the Constitutional Law on the Rights of National Minorities

122 Arts. 17 and 18 of the Constitutional Law on the Rights of National Minorities.

123 Arts. 3(3) and 4 of the Law on Media, Official Gazette 59/2004.

124 ACFC, fourth opinion on Croatia, 2015, para. 53.

125 ACFC, fourth opinion on Croatia, 2015, para. 53; COMEX, fifth report on Croatia, 2014, para. 101.

126 COMEX, *ibid.*, para. 101.

127 ACFC, fourth opinion on Croatia, 2015, para. 55.

Electronic Media¹²⁸ stipulates in Art. 55 that the “usage of Montenegrin language shall not be obligatory in program[s] intended for members of minority groups and members of other minority national communities.” According to Art. 74, public broadcasters shall: “produce and broadcast programs intended for all segments of the society, without any discrimination, especially taking into account [amongst others] minority ethnic communities; [...] 5) produce and broadcast the programs expressing the cultural identity of nations, nationalities and ethnic groups; 6) produce and broadcast programs in native languages of national and ethnic groups in the areas inhabited by them.” According to Art. 76 the budget comes partly from state or local self-government units. Print media are mostly financed through the Fund for Minority Nations.¹²⁹ The ACFC encouraged the Montenegrin authorities to make sure the territorial coverage of programmes produced in minority languages reaches all regions where minorities live. It also asked them to improve the inclusion of minority interests into mainstream media.¹³⁰ The COMEX urged “the Montenegrin authorities to adopt a structured approach for the use of Romani in the public and private broadcast media.”¹³¹

Under the Right to preservation of specificity, Art. 79 of the Serbian Constitution lists, amongst others, the right of persons belonging to minorities to establish their own mass media. The National Councils for National Minorities have a large number of competences in the field of media.¹³² By way of example they may establish print media and radio-television broadcasters. They participate in institutional management, for instance by determining criteria for selecting the chief editor of the media in which the programme is broadcast solely in the minority language or by giving “an opinion on the nomination procedure for the members of the management board, the programme board and the managing director of the Radio Television of Serbia [and of the Radio Television of Vojvodina], if this institution broadcasts programme in the language of a national minority”. Other competences include the adoption of “a strategy for the improvement of information broadcasted in the language of a national minority” and giving “suggestions regarding the distribution of resources allocated through public tenders [related to] broadcasting activities in the language of a national minority”. The ACFC noted a “significant amount” of broadcasting in minority languages throughout Serbia. However, the lack of trained journalists in minority languages continues to be a challenge.¹³³ Also the COMEX noted the traditionally high level of presence of minority languages in broadcast media, showing itself particularly impressed by the presence of Romani.¹³⁴ The situation was not considered satisfactory regarding TV and radio programmes in Czech and German. In respect of Hungarian, the COMEX was of the opinion that “higher level undertakings could be applied.”¹³⁵ Regarding print media the ACFC noted the existence of a variety of

128 Law on Electronic Media, Official Gazette of MNE, no 46/10.

129 For details see Second State Report of Montenegro under the FCNM, pg. 70–79.

130 ACFC, second opinion on Montenegro, 2013, paras. 120–124.

131 COMEX, third report on Montenegro, 2014, para. 182.

132 Arts. 19–21 of the Law on National Councils of National Minorities.

133 ACFC, third opinion on Serbia, 2013, para. 130

134 COMEX, second report on Serbia, 2013, Finding H; third report on Serbia, 2015, Finding G.

135 Ibid., Findings M-O.

such media in Vojvodina, receiving also public support, while such support is only sporadic in the rest of Serbia.¹³⁶

Freedom of expression and freedom of press are guaranteed by the Macedonian Constitution. According to Art. 24 of the Macedonian Broadcasting Law, “[t]he Broadcasting Council shall ensure that its ranks provide for fair representation of all communities living in the Republic of Macedonia.” This law further provides that one public television programme shall broadcast in Macedonian, and one programme service in Albanian and in the languages of the other non-majority communities.¹³⁷ In order to fulfil the public interest, the public broadcaster is obliged to ensure that programmes nurture the cultural identity of the communities living in “the former Yugoslav Republic of Macedonia” and aim at strengthening “the mutual understanding and tolerance” and promoting the relations between different communities. It is further obliged to “nurture and develop the speech and language standards of all communities in the Republic of Macedonia”.¹³⁸ The ACFC found that public TV and radio extensively broadcast in minority languages but is concerned of the fact that public and private media remain strongly divided along linguistic lines. In order to increase mutual understanding and intercultural dialogue, as requested by the Broadcasting Law, the ACFC asked for more strenuous efforts to develop and support initiatives in this direction.¹³⁹

The Constitution of Kosovo* guarantees persons belonging to non majority communities “access to, and special representation in, public broadcast media as well as programming in their language”.¹⁴⁰ The Law on the Use of Languages provides that “[e]very person has the right to establish media in the language of his/her choice” and that “Communities have the right to program broadcast time in their own language in the public broadcaster in accordance with the Law in force.”¹⁴¹ This law is the Law on Radio Television of Kosovo which stipulates that the two channels of RTK¹⁴² “are obliged to share 15% of their programme scheme with the languages of other communities of Kosovo”.¹⁴³ Primary responsibilities of RTK include the “cultivation of the official language and the languages of other communities in Kosovo”.¹⁴⁴ Contents inciting discrimination based on, amongst other, connection with any community shall not be broadcast by RTK.¹⁴⁵ The

136 ACFC, third opinion on Serbia, 2013, paras. 130–135.

137 Art. 117 of the Macedonian Broadcasting Law.

138 Ibid., Art. 121.

139 Ibid., paras. 28, 103 and 112.

140 Art. 59(10) of the Constitution of Kosovo.

141 Art. 25–26 of the Language Law.

142 Two TV channels, one broadcasting in Albanian and one in Serbian, and two radio channels.

143 Art. 8(3) of the Law on Radio Television of Kosovo, No. 04/L-046, adopted on 29 March 2012. According to the latest Community Rights Assessment Report submitted under the FCNM (2015), this share is respected by the channel broadcasting in Serbian, which started operating in June 2013. Fourth Community Rights Assessment Report, issued by the OSCE Mission in Kosovo (2015), pg. 34.

144 Ibid., Art. 18(1.8).

145 Ibid., Art. 18(4).

composition of the RTK Board shall reflect the multi-ethnic and gender character of Kosovo*.¹⁴⁶ The ACFC noted a favourable legislative framework but incomplete implementation. Smaller communities reported that access to print and broadcast media in their languages remains very difficult. Minority communities do not feel adequately reflected by mainstream media. The ACFC encourages authorities to pay more attention to the contribution that bi- and multilingual media outlets play in the promotion of interethnic understanding and tolerance.¹⁴⁷ The subsequent report submitted by OSCE confirms that ethnic bias in media reporting continues to persist and that there is still insufficient progress in the establishment of bilingual media.¹⁴⁸

The points of critique of the monitoring bodies circulated around the issue of funding and equitable distribution of funds, especially for print media,¹⁴⁹ the mainstreaming of minority interests and concerns in general programming and the recruiting of more minority representatives,¹⁵⁰ the need for revision of legislative frameworks for broadcast media to ensure appropriate coverage for each minority and the allocation of sufficient broadcasting times,¹⁵¹ and the support for initiatives to increase mutual understanding and inter-cultural dialogue.¹⁵²

Effective participation in public life

In the following, political participation in the form of representation of persons belonging to national minorities in elected bodies at local, regional or national levels, and in the form of consultation between the government and the minority will be discussed. Further, relevant provisions on the involvement of persons belonging to national minorities in public administration, judiciary or the police, will be presented. While these issues are all covered by Art. 15 of the FCNM, the ECRML does not contain a specific provision on them in its Part III. Also the option according to which parties undertake to recruit and train officials with a view of putting into effect undertakings chosen under paras. 1–3 of Art. 10 do not necessarily imply that for that purpose persons belonging to the linguistic minority have to be employed. The establishment of advisory bodies is, however, a measure to be implemented “if necessary” under Art. 7 of Part II of the ECRML. This part is thus focussing mostly on the correspondence of national legislation with the requirements under the FCNM.

146 Ibid., Art. 25(6).

147 ACFC, third opinion on Kosovo*, 2013, paras. 96–97.

148 Fourth Community Rights Assessment Report, issued by the OSCE Mission in Kosovo (2015), pg. 34.

149 For instance in relation to Albania, Croatia, “the former Yugoslav Republic of Macedonia” and Kosovo*.

150 See for instance in relation to Croatia, Montenegro and Serbia.

151 See for instance in relation to Albania and Kosovo*.

152 See for instance in relation to “the former Yugoslav Republic of Macedonia”.

Representation in elected bodies

Constitutions and other legal acts of most of the beneficiaries foresee various means by which the representation of national minorities in elected bodies can be guaranteed or at least facilitated. Only the legal systems of Albania and “the former Yugoslav Republic of Macedonia” do not provide for special mechanisms. In “the former Yugoslav Republic of Macedonia”, the Albanian minority community is big enough to easily reach representation even without special measures and also other minorities have gained seats both at national (usually not as separate lists) and local level elections.¹⁵³ In Albania, only a few members of parliament represent national minorities. At local level, a number of persons belonging to the Greek or Macedonian minority got elected in areas where they live in substantial numbers. Smaller minorities, especially Roma and Egyptians, are particularly disadvantaged in this context.¹⁵⁴ It is thus interesting to note that the Albanian project to be analysed in detail below, has produced as an outcome the representation of a person belonging to the Egyptian community in the municipal council of Përmet.

Guaranteed representation in parliament is foreseen in Croatia¹⁵⁵ and in Kosovo*.¹⁵⁶ National minorities in Croatia elect in a special electoral unit 8 MPs. National minority members representing more than 1.5% of the overall population (i.e. Serbs) are guaranteed 3 parliamentary seats, while national minority members representing less than 1.5% of the overall population have the right to elect 5 minority representatives together. The introduction of a dual voting right for national minorities in 2010 has been abolished by a decision of the Constitutional Court in 2011, thus members of national minorities can vote either for national minority candidates or for the general party lists in their regional constituency.¹⁵⁷ In Kosovo*, out of the 120 seats, a minimum of 20 seats is guaranteed for representatives of minority communities. Ten of these seats are reserved for the Serb community, but they can have more than ten seats if they succeed in winning more through open elections. Other minority communities are guaranteed a certain minimum number of seats by the Constitution.¹⁵⁸ Despite the fact that the Croat and Montenegrin communities in Kosovo* have been officially recognized as minorities in 2011, and the Committee of Ministers

153 ACFC, third opinion on “the former Yugoslav Republic of Macedonia”, 2011, para. 167.

154 ACFC, third opinion on Albania, 2011, paras. 174–175.

155 Art. 19 of the Constitutional Law on the Rights of National Minorities and Art. 16 of the Law on the Election of Representatives to the National Parliament.

156 Art. 64(2) of the Constitution of Kosovo.

157 For the reasons see Decision U-I-3597–2010-CC, para. 61.

158 This minimum for the Bosniak community is three seats, for the Turkish community two seats, and for the Gorani, Roma, Ashkali and Egyptian communities one seat each. One additional seat is awarded either to the Roma, Ashkali or Egyptian community, depending on which community has won the highest overall vote. For further details see Emma Lantschner, “Protection of Minority Communities in Kosovo: Legally Ahead of European Standards – Practically Still a Long Way to Go”, 33(4) *Review of Central and East European Law*, 2008, pp. 451–490, at pp. 474 ff.

considered it as an issue of immediate action to grant them reserved seats, there have been no constitutional amendments to that end so far.¹⁵⁹

In Bosnia and Herzegovina, the constitutional focus is not on minorities but on the three constituent people. The House of Peoples (as well as Presidency) is composed of an equal number of representatives from the three constituent people. The *Sejdić and Finci* judgment of the ECtHR,¹⁶⁰ requires a constitutional amendment to eliminate this discrimination of persons not declaring to belong to one of these three groups, but the amendments have not yet been made.¹⁶¹

Guaranteed representation at local and regional level is provided by the constitutional and legal system of Croatia and Bosnia and Herzegovina. Art. 20 of the Croatian CLNM considers cases when not even one member of a particular national minority has been elected into a representation body of a local self-government based on general voting rights and this minority represents between 5% and 15% of the population of the local unit of self-government. In this case one member is added to the representation body, and the first member of a national minority not elected will be considered as elected. In local self-government units, in which a minority represents more than 15% of the population and in regional self-government units, in which a minority represents more than 5% of the population, this minority has a right to proportional representation in the elected self-government body. If the regular election results have not brought this level of representation for such a minority, the number of members in this representation body will be adequately increased to the number needed for achieving the proportional representation.

In the case of Bosnia and Herzegovina, amendments to the Election Law introduced in 2004 foresaw one reserved seat in a municipal council for minorities which are smaller than 3% and one to two seats if they constituted more than 3%. However, another amendment in 2008 provides for proportional representation (with at least one seat) only if the minority population is over 3%, unless the municipal council decides voluntarily to grant a reserved seat even below this threshold. The ACFC deplored that representation possibilities for minorities have thus been reduced as only a very few municipalities fulfil this requirement. Besides, the ACFC was sceptical about sole reliance on 1991 census data due to the considerable demographic changes that have taken place in the last two decades and asked to recalculate the number of reserved seats once the results of the 2013 census are official. On the other hand it welcomed the two reserved minority seats in the Assembly of the Brčko District.¹⁶²

159 Third Resolution of the Committee of Ministers on the implementation of the FCNM in Kosovo*, 2014; Fourth Community Rights Assessment Report, issued by the OSCE Mission in Kosovo (2015), pg. 20.

160 ECtHR, *Sejdić and Finci v. Bosnia and Herzegovina*, Application no. 15766/03, judgment of 22 December 2009.

161 See on this EC Progress Report 2015, pg. 4, 7, 21, 24.

162 ACFC, second opinion on Bosnia and Herzegovina, 2008, paras. 193–197; third opinion on Bosnia and Herzegovina, 2013, paras. 148–150.

Guaranteed representation, both at central and local level, was foreseen also by the Montenegrin legislation but was struck down by the Constitutional Court in 2006 on the grounds that guaranteed representation lacked coverage by the then valid constitution.¹⁶³ The 2012 Law on Election of Councillors and Members of the Parliament, based on Art. 79(9) of the 2007 Constitution, which now explicitly foresees “authentic representation” in Parliament “according to the principle of affirmative action”, provides for what could be described as conditionally guaranteed representation. If no minority list reaches the threshold of 3% but individually wins at least 0.7% of the valid votes, minority party lists gain the right to participate in the distribution of seats as one. The cumulative number of valid votes received is the basis for the distribution of up to three seats. This goes only for those minorities forming more than 15% of the population of the respective constituency.¹⁶⁴ An even more favourable rule has been introduced for the Croat minority, which with 0,9% of the population according to the census of 2011 represents the smallest minority. The ACFC noted however an unjustifiable distinction between the Croat and the Roma minority, which constitutes 1% of the population, and concluded that this may amount to discrimination, contrary to Art. 4 and 15 FCNM.¹⁶⁵

A strategy to facilitate minority representation, employed by Serbia, is by exempting minority party lists from threshold requirements. Art. 100 of the Constitution stipulates that minorities should be represented in Parliament in accordance with the law. Since 2004, the Law on Election of Representatives lays down that national minority parties are exempted from the generally valid threshold of 5%. Thus minority parties are represented as soon as they reach the necessary number of votes required for at least one seat (of 250) in parliament.¹⁶⁶ For autonomous provinces and local self-government units with ethnically mixed population, the Serbian Constitution foresees that a proportional representation of national minorities in assemblies has to be provided for, in accordance with the Law.¹⁶⁷ The ACFC welcomed these provisions but encouraged authorities to consider reviewing them in light of reported abuses made by persons not belonging to or not genuinely representing minorities, and with the aim of promoting a more effective participation of numerically smaller minorities at national level.¹⁶⁸

One can conclude that the legal systems of Western Balkan countries provide for a variety of means to allow for minorities’ representation in elected bodies.

163 Ruling of the Constitutional Court of the Republic of Montenegro, No. 53/06 of 11 July 2006.

164 Law on Election of Councillors and Members of the Parliament. Additional facilitations include a lower number of candidates required for the minority lists as well as a lower number of signatures necessary to present a list. For more details see Second State Report of Montenegro under the FCNM, 2012, pg. 89–90.

165 ACFC, second opinion on Montenegro, 2013, paras. 175–180.

166 Art. 81(2–3) of the Law on Election of Representatives, No. 10/2003, as amended on 25 February 2004, 12/2004.

167 Art. 180(4) Constitution of Serbia, Art. 35 of the Statute of the Autonomous Province of Vojvodina, Art. 40 of the Law on Local Elections.

168 ACFC, third opinion on Serbia, 2013, paras. 177–180.

Generally this has been welcomed by the ACFC, but the Committee was critical towards lowering a previously existing standard and is concerned about the representation of numerically smaller minorities. In the case of Bosnia and Herzegovina in particular, it is concerned about the general exclusion of minorities from the possibility of being elected to some offices.

Consultative bodies

Especially for smaller minorities, who cannot reach representation in elected bodies, the existence of consultative bodies can be vital. Advisory bodies of some kind exist in all beneficiaries. For example in Serbia the National Councils for National Minorities¹⁶⁹ have competence in the fields of culture, education, information and official use of language and script. The councils can influence personnel and management choices in institutions that wholly or partly serve to satisfy minority rights in schools, media and cultural institutions. The law regulates in detail the election procedure to the Councils, their funding and their relations with state authorities.¹⁷⁰ The ACFC notes that these Councils have in effect become the main channel of participation for national minorities in Serbia but it is concerned about the fact that the Councils work individually and cooperation between them is very limited. It further notes on one hand the “very wide-ranging competences”, but on the other hand also the conflict with provisions in other laws in the fields of education and culture which leads to serious problems in the practical implementation of the law. Another point of concern was the “significant differences in the amounts of funding”, depending on whether a Council is based in Vojvodina (where they can get provincial support) or somewhere else in Serbia.¹⁷¹ In addition, the Constitutional Court has recently found some of the provisions of the law unconstitutional so that amendments to the law are to be expected.¹⁷²

In Kosovo* the Community Consultative Council¹⁷³ is affiliated with the president and the Committee on Rights and Interests of Communities is established in the Assembly. Further advisory bodies exist at the Prime Minister’s office and in various ministries. Although it is commendable that Kosovo* pays a lot of attention to issues related to minority communities, there exists, however, a “danger of an excessive fragmentation of competences in this field [which] may weaken

169 Law on National Councils of National Minorities, Official Gazette of the Republic of Serbia, No. 72/2009. Constitutional basis in Art. 75(3).

170 On the details see Tamás Korhecz, “National Minority Councils in Serbia”, in Tove H. Malloy et al. (eds.), *Managing Diversity through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*, Oxford University Press (2015), pg. 69–91.

171 ACFC, third opinion on Serbia, 2013, paras. 190 and 194–196.

172 See Tamás Korhecz, “National Minority Councils in Serbia”, in Tove H. Malloy et al. (eds.), *Managing Diversity through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*, Oxford University Press (2015), pg. 69–91, at p. 90.

173 Art. 60 of the Constitution, Art. 12 of the Law on Communities (which has been amended in 2011 so as to include also the Montenegrin and Croat communities in the Council), Statute for the Establishment of the Communities Consultative Council in Kosovo* of 15 September 2008, amended in 2012.

minority protection”.¹⁷⁴ In the most recent opinion the ACFC noted that an overall lack of central coordination reduced the effectiveness of consultation.¹⁷⁵ In its fourth report under the FCNM, the OSCE reported that systematic consultation is still lacking and that the role of the Community Consultative Council remains limited.¹⁷⁶

National Councils for National Minorities exist also in Croatia,¹⁷⁷ Montenegro,¹⁷⁸ and Bosnia and Herzegovina.¹⁷⁹ The Croatian Council for National Minorities is composed of 20 Government appointed members, 8 of them being the minority members of Parliament, while the rest is composed of representatives of minority associations “of some distinction”.¹⁸⁰ The ACFC criticised the lack of broader competences and that due to the lack of influence on decision-making, persons belonging to national minorities seek other channels to get access to decision-making.¹⁸¹ With regard to Montenegro, the ACFC received reports that Minority Councils’ deliberations were influenced by party political concerns of some members. It found it very disturbing that the law does not provide for a gender balance within the Councils. The vaguely defined legal status and the fact that the Councils were rather perceived as NGOs without decision-making powers are other serious challenges with which the Councils are faced. The ACFC thus urged the authorities to review the respective legal provisions.¹⁸² With regard to the Councils of National Minorities in Bosnia and Herzegovina and in the Federation, the ACFC was concerned of reports about politicised appointments and a resulting lack of confidence in the members in the first case, and problems related to the size of the body in the latter case. It thus strongly recommended reviewing the provisions regarding the membership in both bodies. It further urged authorities to follow up on proposals put forward by the Councils and to justify decisions not to take them up.¹⁸³

The Macedonian Parliamentary Committee for Inter-community relations¹⁸⁴ consists of 19 members, elected by the Parliament from within its ranks: seven members each are from the Macedonian and Albanian community, and one member each from among the Turks, Vlachs, Roma, Serbs and Bosniaks. The

174 ACFC, second opinion on Kosovo*, 2009, para. 236.

175 ACFC, third opinion on Kosovo*, 2013, 143.

176 Fourth Community Rights Assessment Report, issued by the OSCE Mission in Kosovo (2015), pg.21 and 23.

177 Arts. 35 and 36 of the Constitutional Law on the Rights of National Minorities. On details see Antonija Petričušić, “Non-Territorial Autonomy in Croatia”, in Tove H. Malloy et al. (eds.), *Managing Diversity through Non-Territorial Autonomy. Assessing Advantages, Deficiencies, and Risks*, Oxford University Press (2015), pg. 53–68.

178 Arts. 33–35 of the 2006 Law on Minorities

179 Council of National Minorities established at the Bosnia and Herzegovina Parliamentary Assembly, Arts. 21 and 22 of the Law on the Rights of National Minorities.

180 Art. 36 CLNM.

181 ACFC, fourth opinion on Croatia, 2015, paras. 82, 85.

182 ACFC, second opinion on Montenegro, paras. 191–195.

183 ACFC, third opinion on Bosnia and Herzegovina, 2013, paras. 159, 161–162.

184 Established on the basis of Amendment XII of the Constitution which refers to Art. 78.

Committee's tasks include considering issues of inter-community relations and making assessments and suggestions for their solution. The Macedonian Parliament is obliged to consider the views of the Committee.¹⁸⁵ The Albanian State Committee on Minorities¹⁸⁶ "on the one hand, is a governmental body answering directly to the Prime Minister, on the other, its membership, composed of persons belonging to national minorities makes it a quasi-representative body appearing to speak on behalf of some national minorities."¹⁸⁷ In this context the ACFC criticised the fact that not all minority groups are represented in the Committee, that "its composition is arbitrary" and that it lacks independence, considering that members are elected by the authorities without consulting the minority groups concerned. As such it cannot be considered a "truly representative body".¹⁸⁸ The working group on reforming Albania's national minority legislation suggested amongst others to enhance the representativeness and the consultative role of the Committee.¹⁸⁹

Local and regional Councils of National Minorities or interethnic relations exist in Bosnia and Herzegovina (Councils of National Minorities at Entity level and partly also cantonal level),¹⁹⁰ Croatia¹⁹¹, and Serbia.¹⁹² Turn-out for elections to the Croatian consultative bodies having the task to advise local and regional authorities on minority issues is very low. The reasons for that can be found in the very few competences, the small budget which is often paid out late making meaningful projects difficult and in the organisation of elections separate from general local elections. The ACFC also encouraged the adoption of an appropriate legislative framework for the election of these bodies.¹⁹³ Serbian Councils for Interethnic Relations have the competence to discuss issues concerning the realisation, protection and promotion of equality in local communities and can start proceedings before the Constitutional Court if municipal regulations are considered to directly violate the rights of national and ethnic communities. The ACFC, however, found that only few of these councils have been established and most of them are not fully operational. It thus encouraged authorities to promote their establishment and effective functioning.¹⁹⁴

Macedonian legislation foresees that in municipalities with at least 20% minority population, Commissions for Relations with the Communities have to be

185 Law for the Committee for Inter-Community Relations, Official Gazette of R.M. no. 150/2007.

186 Council of Ministers' Decision No 127, dated 11 March 2004 on the creation of the State Committee of Minorities, as amended.

187 ACFC, third opinion on Albania, 2011, para. 169.

188 *Ibid.*, paras. 169–171.

189 European Commission, Albania 2015 Report, 60.

190 Art. 21–23 of the (State) Law on the Rights of National Minorities, Law on the Protection of Rights of Persons belonging to National Minorities of Republika Srpska, Law on the Protection of Rights of Persons belonging to National Minorities of the Federation. See ACFC comments summarized above at Fn 184.

191 Arts. 23–34 of the Constitutional Law on the Rights of National Minorities.

192 Art. 98 of the Law on Local Self-government, Official Gazette of the Republic of Serbia, No 129/07.

193 ACFC, fourth opinion on Croatia, 2015, paras. 84 and 87.

194 ACFC, third opinion on Serbia, 2013, paras. 197 and 202.

established. These Commissions have the mandate to consider issues concerning the relations among communities living in the municipality and to produce opinions and proposals for their resolution. According to the latest state report under the FCNM (submitted, however, back in July 2014) these Commissions are not yet fully operative.¹⁹⁵

In its last opinion on Kosovo*, the ACFC called on the authorities to “establish effective and institutionalised consultation mechanisms at local level to ensure that the views and concerns of communities are regularly discussed and adequately taken into account.”¹⁹⁶ While the OSCE report on the implementation of the FCNM in Kosovo* could not report about substantial improvements in this respect, it is interesting to note that the project implemented in Vushtrri/Vučitrn has pursued a very participatory approach in the preparation of a strategic document for the integration of non-majority communities.

Albanian legislation does not foresee consultative bodies at local level. The project implemented in Përmet, including amongst other activities the creation of a Civil Commission on Minorities as an advisory body dealing with the concerns of persons belonging to national minorities is thus indeed a good practice in enhancing the participation of minorities in decision-making at the local level.

The ACFC generally welcomed the establishment of consultative bodies. It has mostly been critical when the composition of the councils was not representative of the minorities living in a specific country or when minorities were not adequately involved in the appointment of members as this can result in a lack of independence from the government. Other problems circulated around the funding of councils or the coordination among various bodies responsible for minority related issues. A general issue of concern was further the fact that due to the limited influence on decision-making of these bodies, persons belonging to national minorities often use informal channels to resolve issues concerning them rather than the institutional mechanism of the advisory body.

Participation in public administration

Albania is the only beneficiary in which no provisions exist promoting the increase of minority representatives in public employment. The Albanian legal system only provides for non-discrimination on grounds of ethnicity in labour relations. As no data exist on the number of persons belonging to national minorities employed in public administration it is impossible to get a clear picture of the situation. The employment of two persons with Egyptian background as a result of the project implemented in Përmet is to be welcomed, but as there is no generally applicable legal obligation in this direction such activities will remain conditional on the good will of the local government.

195 Fourth report submitted by “the former Yugoslav Republic of Macedonia” under the FCNM, 2014, 32.

196 ACFC, third opinion on Kosovo*, 2013, para. 145.

All other beneficiaries have special constitutional or other provisions in this field. In Croatia, minorities have a right to proportional representation in public administration.¹⁹⁷ While the target representation to be reached under the Plan for the Recruitment of National Minority Members to State Administration Bodies 2011–2014 was 5,5%, by the end of 2014 only a share of about 3,6% could be reached. Ethnic bias in and problems during the recruitment process remain an issue as well as the fact that very few civil servants from a minority community hold higher positions.¹⁹⁸ Macedonian legislation prescribes “equitable representation” for all minorities, also those smaller than 20%.¹⁹⁹ The ACFC was concerned in particular by the significant underrepresentation of numerically-smaller minorities and by the fact that many new employees are just hired to increase the minority quota but have no work or workplace assigned. Not only does this reduce their possibility to effectively participate in economic and public life but also fosters resentments within society.²⁰⁰ Also Montenegro makes use of the principle of proportionality when it comes to employment in the administration.²⁰¹ The Serbian Constitution foresees that “the ethnic structure of population and appropriate representation of persons belonging to national minorities” has to be taken into account in the employment in public administration at state, provincial and local level.²⁰² In Kosovo*, the Constitution ensures communities and their members “equitable representation in public bodies and publicly owned enterprises at all levels.”²⁰³ In Bosnia and Herzegovina proportional representation of persons belonging to minorities at all levels has to be ensured.²⁰⁴

In this context, the ACFC criticised mostly the implementation of well-intended legislation. It was sceptical about the reliance on census data, especially when they are contested or not reflecting the demographic changes occurred over the past decades. The ACFC is generally of the opinion that “proportional” or “equitable” or otherwise similarly described representation should not “aim to reach a rigid, mathematical equality in the representation of various groups, [as this] often implies an unnecessary multiplication of posts [...]. [Such measures] risk undermining the effective functioning of the State structure and can lead to the creation of separate structures in the society”.²⁰⁵

197 Art. 22 of the Constitutional Law on the Rights of National Minorities.

198 ACFC, fourth opinion on Croatia (2015), paras. 88–90.

199 Ohrid Framework Agreement, Art. 4(2); 2008 Law on Promoting and Protecting the Rights of Persons Belonging to Communities which Represent Less than 20% of the Population, Law on Civil Servants.

200 ACFC, third opinion on “the former Yugoslav Republic of Macedonia” (2011), paras. 171–172.

201 Art. 79(10) of the Constitution and Art. 25 of the Law on Minority Rights and Freedoms. According to the Second State Report of Montenegro under the FCNM the result of a non-representative survey showed the following shares: Montenegrins: 79.03%; Serbs: 8.59%; Albanians: 2.80%; Bosniaks: 4.14%; 2.39%; 0.01%; 0.89%; 0.42%.

202 Art. 77(2) of the Constitution of Serbia.

203 Art. 61 Constitution of Kosovo.

204 Art. 19 of the BiH Law on National Minorities.

205 ACFC, Thematic Commentary on Participation, para. 123.

Conclusions

The situation of minority rights in the region is marked by a great variety in the level of legal protection, ranging from very scarce legal provisions, as in Albania, to a sophisticated and ambitious network of laws in Kosovo*. In some instances, such as in Bosnia and Herzegovina, Croatia and Montenegro, the CoE monitoring bodies were not completely satisfied with legal provisions that introduce certain thresholds of minority population in order for these minorities to get access to linguistic or educational rights. Some of these provisions leave, however, room for discretionary decisions at the local level in favour of the granting of these rights. While both, ACFC and COMEX prefer clear legal rules over regulations the implementation of which depends on the good will of the authorities, in encourages them in such contexts to make use of their possibilities to the largest possible extent. As shown for instance in the case of Croatia, the use of these possibilities by local authorities does not only depend on the size of a minority, their needs and demands, but to a large extent on the level of already existing societal cohesion.²⁰⁶ The same can be said about practical implementation of legal provisions overall, which in many cases is not to the satisfaction of the CoE monitoring bodies.

The projects implemented in the framework of the JP EU/CoE “Promoting Human Rights and Minority Protection in South East Europe” are thus of utmost importance as they contributed to an enhanced practical implementation of existing legal standards. The projects selected for the present publication of good practice cover the whole range of areas discussed in this overview of national minority rights in South Eastern Europe.

The project implemented in Staro Nagoričane (“the former Yugoslav Republic of Macedonia”) had its focus on the protection and promotion of minority culture. Its main target was a numerically smaller minority community, the Serbs, which in national funding schemes are very often disadvantaged. For these minorities a sustained effort by the local level is all the more important. An element of good practice to be highlighted for the project implemented in Staro Nagoričane is, however, the fact that it promoted the Serb culture not in isolation but worked towards bringing together and integrating the Serb, Macedonian and Roma communities living in the municipality.

In the field of linguistic rights the city of Pula/Pola (Croatia) has already been mentioned by the COMEX as example of good practice. The identification of elements that could be replicated in other contexts throughout the region is, thus, an important contribution to a potential collective learning process. While the activities set in Pula/Pola focus more on outside visibility of the minority language and language training for staff members, the project activities set in the City of Subotica/Szabadka (Serbia) have a focus on building technical capacities for a smooth implementation of linguistic rights. They can thus be

²⁰⁶ ACFC, fourth opinion on Croatia, 2015, para. 62.

seen as complementary. The third project dealing with linguistic rights is the one implemented under the most unfavourable legal conditions but with high relevance for the respective context. Gradiška municipality (Bosnia and Herzegovina) has been identified by the COMEX as one of the municipalities that is particularly relevant for the implementation of undertakings under Art. 10 ECRML, as important parts of the traditional settlement areas of speakers of a number of minority languages are located on the territory of this municipality. The project is targeting five of them: Romani, Ukrainian, Polish, Montenegrin and German. The activities set during the project were mentioned by the COMEX as possible ways for implementing the undertakings chosen by Bosnia and Herzegovina regarding this article, amongst others the translation of official municipality webpages, or the display of place names in minority languages on public signs for touristic an information purpose.

The project in Tivat (Montenegro) focuses on the inclusion of Roma and Egyptian children in the educational system. Considering the above description of the legal context and the comments of the CoE monitoring bodies, this project is of central relevance for all the beneficiaries. Project activities cover aspects of access to education, continued supervision and social integration. In its opinion on Montenegro, the ACFC used a strong language in that it *urged* authorities to increase their efforts in dealing with the difficulties faced by Roma pupils at all levels of education. As an outstanding issue the ACFC mentioned the fact that Roma educational assistants, apart from being insufficient in their numbers, are working under precarious positions, as their legal status is not defined and they are employed on temporary contracts. It will be seen below how this finding has been addressed through the project.

Two projects have their focus on the area of participation in public life. The project in Përmet (Albania) is interesting as it is implemented in an environment which completely lacks a legal framework and its experience could feed into the ongoing process of drafting a comprehensive minority law, especially regarding the establishment of advisory bodies at the local level. This project as well as the one implemented in Vushtrri/Vučitrn (Kosovo*) focus on the capacity building and empowerment of minority representatives in order to improve their meaningful participation in the drafting of strategic documents for minority communities at municipal level. Through their empowering and inclusive approach these projects can well serve as examples for “effective participation” at local level, as required by Art. 15 FCNM.

As will be shown in the following chapter, all these projects contain replicable elements that would contribute to a better implementation of existing legal provisions and would thus address some of the concerns raised by the CoE monitoring bodies.

II. Good Practices within the JP EU/CoE “Promoting Human Rights and Minority Protection in South East Europe”

The following section of the study will analyze the implementation of seven case studies for the protection of national minorities in local self-governments in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia” and Kosovo*. Each case study will analyse what made them successful and under which conditions the activities could be replicated elsewhere. The case studies are pre-selected by the Project Steering committee members on the level of each beneficiary assisted by the Council of Europe Project Team as the best projects implemented between 2014–2016 within the scope of the JP EU/CoE “Promoting Human Rights and Minority Protection in South East Europe”. The initiative included 36 projects throughout the region, which addressed the promotion and protection of minority rights. The implementation of the projects was done in conjunction with the municipalities and, where applicable or available, local civil society organisations and with the active inclusion of the local communities.

The assessment of best practices is based on study visits to the preselected local self-governments undertaken by the CSEES team between May and July 2016. During the study visits a total of 53 respondents were interviewed with regard to their opinion on the main outcome, sustainability and replicable elements of the undertaken projects. Out of this number, 19 were local self-government stakeholders, 11 minority community members and representatives of Civil Society Organisations (CSOs) involved in the project implementation, and 23 beneficiaries not involved in project implementation.²⁰⁷

To be able to assess the project’s effectiveness and benefits in implementation as well as the potential for the replicability of the project in other local contexts and countries, the each of the following case studies is structured of four

²⁰⁷ For the purpose of receiving precise and comparable answers from interviewed respondents, two questionnaires were prepared, of which one was developed for members of the task force of the project who were central to, and most acquainted with, the implementation of the project, and second, for the beneficiaries of the project, in order to assess their views of the project.

parts: 1. Sustainability: assessing the human as well as financial resources and potential for the continued implementation and replicability of the project; 2. Ownership: assessing which actors feel ownership of the project and how this matters for its success; 3. Main replicable elements: assessing within the project which components have the potential to be replicated; 4. Benefit: what is the main benefit to the community both in terms of the general community of the municipality, and specifically, the minorities' communities. By structuring the evaluation of the project in such comprehensive way, it is our hope that we will be able to clearly delineate the components that can be replicated in other contexts in the future.

Evaluation of Good Practices in Albania

**Investing in Equality: Encouraging and Promoting
the Participation of Minorities in Local Government
and Improving Service Delivery to Minority Communities**

Municipality of Përmet

Theme covered: Participation in public and political sphere

Affected minority: Egyptian, Roma and Vlach Aromanian

Introduction

The local context: minorities and their community

Albania, as outlined in the introduction, has the least legal provisions for the protection of minorities. However, the inter-ethnic relations in Albania are generally good as there is tolerance and understanding for minority communities.²⁰⁸ Despite this general climate of tolerance the Egyptian community and the Roma minority in Albania both suffer from discrimination and exclusion from several services such as housing (often vulnerable to forced evictions), education and health care.²⁰⁹ In addition both groups suffer from an exclusion from the formal labor market, due to discrimination, thus making them resort to informal trades, which do not help in providing enough for their families.²¹⁰ In the last elections, it was reported by Freedom House, that minorities were able to campaign and vote in ballots in their own language, however the Roma minority was vulnerable to “vote-buying schemes”.²¹¹ The Greek minority has complained that the government does not recognize some ethnic Greek towns and have asked for a higher representation in public administration.²¹²

208 Country Information and Guidance. Albania: Minority Ethnic Groups, pg. 4.

209 Ibid., pg. 4 and pg. 16.

210 Ibid., pg. 11.

211 Freedom House Report, Freedom in the World, Albania-2014.

212 US Department of State Country Reports on Human Rights. Report on Albania.

Generally, the Greek and Macedonian minorities are better organized and well represented at the local level, while the Roma minority and Egyptian community face most challenges. The Egyptian community, particularly, is vulnerable as it is not recognized as a (national or ethno-linguistic) minority group, but only as a community, therefore rights accorded to minority groups would not apply to them. According to the Albanian institutions, the Egyptian community does not meet the criteria to be considered a minority group since it considers they do not have a distinct language (other than Albanian) and tradition.²¹³

The municipality of Përmet, which is part of the county of Gjirokastrë, has three minority groups and communities, the Greeks, Vlachs and Egyptians. According to the 2011 census, at the national level, 17,42% of the population in the municipality belong to a minority. In the Gjirokastrë County, 7,4% of the population are Greek, 0,95% are Aromanian, 0,13% Roma and 0.3% are Egyptian, and 12,09% refused to answer the question.²¹⁴ The Egyptian community is the most vulnerable, as persons belonging to the Greek and Vlach minorities are better integrated in society. The Egyptian community is particularly affected by poor socio-economic conditions, lack of education and women and children are target to human traffickers²¹⁵.

The project: responding to local needs

The project focused more on Egyptian community; however Vlach and Roma benefited from the project too. The Egyptian community was the main focus of this project since they had a greater need as the most vulnerable community living in Përmet. The project aimed to increase the participation of minorities in decision-making and to raise their awareness about their rights.

A possible risk, identified at the outset of the project, were the potential difficulties of engaging the local community due to a low level of organization.²¹⁶ Indeed, the level of organization of the Egyptian community prior to the implementation of the project was limited, which indicated the importance of the project and also indicated its potential impact.²¹⁷ The project had two components, one was to provide training to and awareness raising of community members on their rights and how to access them, and the second component was to provide financial assistance that was disbursed by the community itself. The project targeted the problem of the low organization of the Egyptian community by organizing trainings on access to health services and access to social aid, meetings and awareness raising campaigns on voting and human trafficking. Respondents

213 Minority Directory: Albania, Egyptians <http://minorityrights.org/minorities/egyptians/>.

214 Albanian Statistical Institute, <http://www.instat.gov.al/al/census/census-2011/të-dhënat-sipas-qarqeve.aspx>

215 Country Information and Guidance. Albania: Minority Ethnic Groups, pg. 5

216 "Promoting Human Rights and Minority Protection in South East Europe": Cross Country Report on project assessment, pg. 21

217 Ibid.

who participated in the training noted that this had been their first opportunity to attend such activities and that they had learnt a lot from the experience. It is important to note the relevance of all the trainings and campaigns as they were particularly targeted and developed for the Egyptian community living in Përmet. The relevance of these activities contributed greatly towards the project's success.

The project also tackled the housing problem of the Egyptian community.²¹⁸ A portion of the funds of the project was earmarked for the purchase of 20 windows for houses of Egyptian families most in need. The Civil Committee, a committee made up of five members, including representatives from the Egyptian community, formed within the framework of the project, had to decide by consensus on each donation of funds, constituting an exercise in decision making for the participants. They based their judgments upon a database developed by the project staff, which outlined all the Egyptian families and categorized their needs. Thus the Civil Committee was able to take well informed decisions, and most importantly, it was members of the Egyptian community that helped to find solutions to the community's problems. The Civil Committee was consulted throughout the project on the implementation of activities and their capacities were built considerably through the trainings.

The activities: creating an inclusive space

This project included several activities which were targeted towards increasing minority participation in the local government. Initially the project conducted a community training in order to encourage the establishment of CSOs. This training also served for the creation of the Civil Committee, a body formed by minority members who would steer the implementation of the project. The Civil Committee was chosen by the community itself and it had decision making power over the allocation of funds that were used to help the community members through the purchase of windows for houses, and in one case to help one member of the community access medical help.

In order to raise the awareness of municipality officials and of community members themselves of their rights and the institutions and mechanisms available for their protection, the project conducted one info session on rights and mechanisms, three trainings (one for the CSOs on the Civil Committee, one for the rights of women and anti-trafficking, and one with municipality staff for the budgeting of finances particularly for minority communities), and one legal educational program. The project also organized and led two information campaigns, one on voter awareness for the upcoming local elections, where special emphasis was placed on women voters, and one on the proper documentation and procedures for accessing health services for all categories of social financial aid as well as

218 "Promoting Human Rights and Minority Protection in South East Europe": Second Cross Country Report on awareness assessment, pg. 69

prevention of human trafficking. The issue of trafficking was also tackled in a joint meeting with the Egyptian community and the local police. The project further supported the candidacy of one community member, a woman, to run for the Municipal Assembly thus ensuring that the voice of the Egyptian community would be represented at the local level. The campaign was successful as she got elected and has a seat in the Municipal Council.

The project created the position of minority coordinator who belonged to the Egyptian minority and was employed in the municipality. The minority coordinator was the point of reference for the Egyptian community and served to reach out to and inform them of their rights and the mechanisms of redress. The minority coordinator also developed a database of all persons belonging to the Egyptian community who are in need of help.

Lastly, a booklet of positive stories was developed, wherein the stories of notable individuals of the minorities were included. This served as a token of appreciation for the minorities in order to enhance the positive view of the minorities and to combat prejudice.

Methodology

For this analysis, seven individuals were interviewed, of which one was a municipal official; two were project staff including the project coordinator and the minority coordinator, three members of the targeted minorities and the consultant who oversaw the project during its implementation. Six of the persons interviewed were female, and one was male. Most interviews were conducted face-to-face in the municipality of Përmet in May 2016. The interviews with two of the members of the targeted minorities were conducted by phone, while the interview with the consultant was conducted through e-mail.

Evaluation of the project

The project was successful as it built a strong foundation for the inclusion of the Egyptian minority in decision-making in the municipality of Përmet. Through the minority coordinator who worked within the municipality, the communities had a contact person that they could address in regard to provision of services within the municipality. The Civil Committee, composed of members including the Egyptian community, was a key step towards the inclusion of persons belonging to this community in decision making, especially in areas that affect them most. The project succeeded in raising the awareness of minorities through trainings on their rights, their points of redress, as well as on the importance of exercising the right to vote.

Sustainability

► Increased participation in decision-making

This project increased the participation of the Egyptian community in decision-making through the creation of the Civil Committee. The Committee was a very functional and effective body, they held regular meetings and together steered the project. In addition to choosing the beneficiaries who would receive financial aid through the installation of windows and one case of helping a member of the Egyptian community to get access to medical services, the Committee also met in order to discuss the issues of the community and the direction of the project. All decisions were taken by consensus and the team retained a close cooperation with the project staff throughout the project.

The project also ensured a more effective and long lasting participation of the Egyptian community in decision-making, through organising workshops on the importance of voting and participation in decision-making processes on local level. In addition, in preparation for the municipal elections, the project staff approached all local parties in order to lobby for the inclusion of an Egyptian member in their candidate list, and had agreement by one party, provided that the candidate was female. The support for the candidate was provided through raising the awareness of the right to vote with Egyptian women, and how important every vote is. Although this activity was not a direct campaign for the candidate, it did raise awareness on the procedures of voting as well as the things to consider when choosing a candidate. The motto of this information campaign was "Do not sell your vote". Considering the fact that no legislation in Albania is facilitating the election of minority representatives to local assemblies, such awareness raising and supporting efforts are all the more needed. The campaign can be considered successful as the representative of the Egyptian community won the elections for the Municipal Council.

► Increased awareness of the Egyptian community on their rights

The Egyptian community living in Përmet had the opportunity to attend several trainings to raise their awareness on their rights according to national laws and European standards. The trainings were well attended by both men and women and were the first trainings that the Egyptian community in the Municipality of Përmet had attended.

The trainings and the 30 information campaign events were effective because they responded to local needs and current issues plaguing the communities. The Egyptian community in Përmet struggles with the applications for financial support from the state, thus one of the trainings addressed this issue specifically. The campaign and training against human trafficking were also very pertinent, as there had been two recent cases of trafficking in Përmet. The awareness raising campaigns were held throughout different inhabited areas of the municipality

of Përmet, with the aim of including Egyptian community members living in the larger territory of the municipality.

- ▶ Improved redress and responsiveness to community issues

The position of minority coordinator within the municipality greatly improved the possibilities for redress and responsiveness to minority community issues. The coordinator served as a bridge of communication between the Egyptian community and the municipality. As the coordinator was also a member of the Egyptian community, it helped to establish trust as well as a sense of representation within the municipality. The coordinator also created a database which lists the needs of different members of the Egyptian communities, outlining what help they need and what their socio-economic situation is. It is thus an example of the importance of the collection of reliable data at all levels, in order to be able to properly address the needs of minority communities. This necessity has been repeatedly highlighted by the ACFC, especially in the comments under Art. 4 of the FCNM.

By having such an office within the municipality, it was easier to address the immediate needs of the Egyptian community and give more legitimacy to all the activities. The newly elected member at the Municipal Council also ensures that the needs of the community are also addressed at the higher levels of the municipal structures. However, the municipality has made no commitment of maintaining the office of Coordinator beyond the project, which shows the dependability of such an office on political will.

- ▶ Empowered women belonging to minority communities

This project contributed towards the empowerment of Egyptian women in Përmet by informing them of their rights and by encouraging their participation in decision-making, addressing again a requirement under Art.15 of the FCNM. In the Civil Committee, out of the five members, two were women. In addition, the newly elected Egyptian representative in the Municipal Council is a woman.

The focus on women in the event on awareness of voters' rights' was also important, as often women are confined by traditional roles with the expectation to vote in line with their husbands or fathers. By increasing their awareness of the importance of voting, the project aimed at acquainting women with the voting process and the effect that it has on their lives. Furthermore, the training on gender rights and campaign against human trafficking are particularly important as women are the most frequent victims to human trafficking. By establishing a close contact with the local police who attended the event, the women were properly informed on ways of redress and the danger signs to prevent trafficking. The women were thus able to create a relationship of trust with the local police.

Ownership

The ownership for the project rested with the project staff who were very committed and driven, and the Civil Committee. Due to the commitment of the project staff, the project was very responsive to the needs of the targeted communities, providing trainings and campaigns on issues which were locally relevant, such as voting, human trafficking and civil registration. The community, too, was closely included in the implementation of the project and felt involved in it. Through the different activities, especially through the Civil Committee, the minority communities had a chance to voice their concerns and to direct the project towards the finding of solutions.

Main replicable elements

This project has several components that can be replicated in different municipalities in order to effectively address the issues concerning minority communities and to advance their participation in decision-making.

► Minority Coordinator

The role of the minority coordinator is a useful position which serves to build a closer relationship with the local communities. It also fulfills the need to have a representative that knows and understands the community within the municipality. The minority coordinator greatly contributed towards improving the response of the municipality to the needs of the community and towards increasing the trust of the community on the municipal institutions. The position can be a single one, as it was in the case of Përmet (although there was additional help from a very committed project coordinator) or it can be established as an entire office, as is the example with Kosovo's* Municipal Offices for Communities and Returns. For the sake of durability, it is important that the role is not provisional, but instead a legally based position. This would make it less dependable on political will, which was

an issue in Përmet. As the mayor changed, so did the project staff who continued to work voluntarily, due to the commitment to the project they worked without a contract in order to complete the project. Other persons have been engaged for the remainder of the project, while the role of Coordinator was withdrawn together with the Egyptian representative who worked there.

Issues to consider:

- **Political will:** as the office of minority coordinator is within the municipality, and it is not legally based, the lack of political will may hinder the sustainability of the position.
- **Lack of CSOs:** this problem was mitigated by the creation of a local council, however the project would have been more sustainable if it did not depend solely on the municipality for its implementation. At the same time, it shows the need of such a project.

► Civil Committee

The Civil Committee is an effective tool to include minority communities into decision-making, as required by Art.15 FCNM. The Committee in Përmet was made up of five community members, however if replicated, and if there is more than one minority to be included in the Committee, than the number can be higher. In addition, attention should be paid that the Committee is gender balanced, in order to ensure that the needs of all members of communities are properly addressed. The positive experience with such a committee should be taken into consideration in the ongoing debates about the drafting of a minority law in Albania, so that such committees would become legally entrenched.

An important factor which facilitated the work of the Committee, and should be replicated, is its function as a civil society organization. Namely, the Committee functioned as a CSO in a municipality where there was no minority organization, however it was not registered as such. Such a Committee should have legal basis whether by registering as a civil society or as a consultative municipal body which would give it more legitimacy. This is particularly useful for municipalities where minority communities are not organized. The Committee helped the Egyptian community bring solutions to the problems which they themselves identified. In this case it is important that the Committee did not operate within the municipal institutions, but as a de-facto CSO enabled it to also criticize municipal bodies. However, what made the Committee effective was its close cooperation with the municipality thus it is important for municipalities to liaise with CSOs and other consultative bodies when working with and for minorities. For the implementation of this project, the membership in the Committee was voluntary, however, in order to increase and ensure its effectiveness, it would be more effective that such Committees have a legal basis, either as a CSO or as a municipal body so that they can be eligible for or have access to funds.

► Awareness raising campaigns

The awareness raising campaigns, or information campaigns as they were termed by the project, were very important especially as they focused on the local needs of the Egyptian community. Awareness raising, either through trainings, meetings or the distribution of fliers is important to make the minority communities but also society at large aware of their rights. Generally speaking, there was a low number of awareness of the rights of minorities in the region among the minority communities themselves and in such cases awareness raising measures are required and recommended. Especially when there are not active CSOs that deal with minority issues, municipal or national institutions should implement awareness raising campaigns.

► Encourage the election of minority representative

The inclusion of minorities in local elections is very important, hence their participation in local elections should be encouraged. This does not only refer to the encouragement of minorities as voters, but also as municipal representatives. In the absence of legal mechanisms that guarantee or facilitate minority

representation in locally elected bodies, minorities can be encouraged through awareness raising or lobbying as was done in Përmet. All parties were lobbied for a position in the candidate list, until one of them agreed.

- ▶ Increase intercultural dialogue and appreciation of minorities' cultures

The booklet which was developed at the end of the project outlining the positive achievements and contributions of individuals belonging to Roma and Egyptian communities is a good practice to replicate. The booklet serves to emphasize the positive contributions of minorities to society thus changing the predominant narrative of minorities from a negative or discriminatory one to one which highlights successes and the ways in which different communities have contributed towards the enhancement of the state whether it be in culture, or other fields. This booklet could be updated with new noteworthy individuals and distributed widely in the municipality, including schools where it should be encouraged to be shared with children. The booklet would contribute towards the implementation of Art. 5 and 6 of the FCNM to enhance the spirit of tolerance and intercultural dialogue.

Benefits:

1. Increased awareness of minority communities on their rights and institutions and mechanisms of redress
2. Increased effectiveness of Municipality's response to local needs through the establishment of a minority coordinator
3. Strengthening of community-based civil society organisations
4. Empowerment of women belonging to minority communities
5. Establishing the base for the functioning of consultative bodies

Conclusion and recommendations

The project in Përmet greatly contributed towards the inclusion of the Egyptian minority into decision-making. It also increased the awareness of the Egyptian community of their rights, the mechanisms available to them, and how to make use of the same. The project was particularly successful as it responded to the needs and issues of the Egyptian community, thus making its activities closely related to the life of communities in the municipality.

For a more efficient implementation and replicability, the following is recommended:

- ▶ **Awareness raising on the role of civil society.** It is important for minority communities to understand the need to be organized as a community, in political as well as in civil ways. Within this project,

the Civil Committee was established, as there was no civil society organisation that dealt with the issues of minorities. The project increased awareness on political representation, as well as increased the capacities of community members to recognize and exercise their rights. The next step would be to have a registered Civil Committee, which would either work as a CSO or as a municipal body entrenched in state laws.

- ▶ **Establishment of consultative bodies.** This project makes clear the need for consultative bodies constituted by minorities, though not exclusively, with a clear legal basis and a clear mandate, both at the national and local levels. The project supported the establishment of the Civil Committee. While CSOs, and in this case the Civil Committee, functioned as civil organizations in close cooperation with the municipality, more permanent and national consultative offices should exist to ensure the implementation of human and minority rights within municipalities. Such committees could be registered as associations or CSOs in all municipalities with minorities, and the municipality should have an obligation by law to liaise with them on issues pertaining to minority communities. Otherwise, such bodies can become too dependent on political will. In addition, where they do not exist, states should enable the creation of national consultative mechanisms which would liaise with consultative bodies and with community representatives at the local level.



Municipality of Përmet

Evaluation of Good Practices in Bosnia and Herzegovina

**Sustainable Utilization of Information Technologies for the
Purpose of Promotion of National Minorities from the Area of
Municipality of Gradiška**

Gradiška Municipality

Theme covered: Language and media

Affected minorities: Roma, Ukrainian, Polish and Montenegrin

Introduction

The local context: minorities and their community

Twenty years after the end of war that saw atrocities from all parties involved, including grave human rights violations, the expulsion of others, and genocide,²¹⁹ Bosnia and Herzegovina (BiH) remains a country deeply divided along ethnic lines, based on unfinished reconciliation among the former warring parties, but also constitutionally mandated separation by ethnicity in political and public life.

The conflict did not end until the international community brokered the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement).²²⁰ Stemming from the need to create a feasible state within BiH, the main task of the Dayton Agreement was to preserve a balance of power between three state forming nations, i.e. constituent peoples. The term constituent refers to the fact that members of these ethnic groups are explicitly mentioned in the constitution, and that none of them can be considered a minority. The Dayton Agreement, therefore, attempted to solve the most urgent problem in the design

219 In a February 26, 2007 decision in the case of the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Court of Justice determined that genocide had in fact occurred in the municipality of Srebrenica. See ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro, Case 91*, Judgment of February 26, 2007.

220 *The General Framework Agreement for Peace in Bosnia and Herzegovina*, initialled Dayton, Ohio: 21 November 1995, signed Paris: 14 December 1995, agreed to by Bosnia and Herzegovina, Croatia and Federal Republic of Yugoslavia, 35 (1996) ILM 75.

of democratic institutions by providing a model of corporate power sharing between Bosniaks, Serbs, and Croats in Bosnia and Herzegovina.

However, besides the constituent people, seventeen other ethnic groupings live in the Bosnia and Herzegovina (Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks and Ukrainians). According to the results of the 2013 Census,²²¹ 2.73% or 96,539 of BiH citizens belong to national minorities. The rights of national minorities are protected on a national level through the 2003 Law on the Protection of Rights of Members of National Minorities that guarantees their cultural, religious, educational, social, economic and political freedom. In addition, due to the administrative fragmentation of the state along the entity lines, rights of persons belonging to national minorities are detailed in two entity laws, namely the Law on Protection of Persons Belonging to National Minorities in Republika Srpska (RS) and the Law on Protection of Persons Belonging to National Minorities in Federation of BiH (FBiH).

The main issues of non-majority ethnic communities in BiH include institutional discrimination, lack of access to employment, education, and social rights. As determined by the European Court of Human Rights already in 2009 *Sejdić and Finci vs. Bosnia and Herzegovina* case, the BiH Constitution discriminates against national minorities by excluding non-constituent people to serve as president or in the upper house of the national parliament, and denies them veto power over legislation that they view as threatening their ethnic group's interests. While the unemployment in BiH amounts to 30%,²²² this issue is even more pronounced in the case of Roma minorities that have additional problem accessing the job market due to their low level of education.

The Gradiška Municipality is located in the north western part of BiH with a population of 51,727 inhabitants, 999 of those belonging to national minorities, according to the latest Census. The municipality has 69 villages organized in 53 local communities. National minorities mostly inhabit rural parts of the municipality, which aggravates access to main services and job market. Based on the records of the Department of Social Services at the Municipal Gradiška, there are four associations of national minorities active in Gradiška: Association of Montenegrins and friends 'Luča', Polish Association 'Mak', Association of Ukrainians 'Verhovena', and Roma Association of the Gradiška Municipality.

The project: responding to local needs

The key objective of the project 'Sustainable Utilization of Information Technologies in the Purpose of Promotion of National Minorities' was to increase visibility of the existing national minority associations in Gradiška municipality,

221 Census of Population, Households and Dwellings in BiH. 2013.

222 Regional Cooperation Council. Balkan Barometer 2015 Public Opinion Survey, Sarajevo, 2015.

raise awareness of all citizens of Gradiška about their existence and activities, and promote the use of minority languages. This task has been achieved via creation of a web platform of the municipality containing all relevant information translated in the languages of national minorities living in the Gradiška municipality. In this way minority languages were integrated into the official Gradiška Municipality web page. Since representatives of Montenegrin national minority waived the possibility to have the web page translated to Montenegrin language due to its similarity with the official – Serbian language, the web page was translated into Polish, Ukrainian, and Romani.²²³ In addition, total of 17 bilingual topographic signs marking and guiding towards minority historical, cultural and religious sites were set up.

The respondents interviewed for this study considered the project important because it raises the visibility of minorities in Gradiška, and also facilitates their everyday life. As one of the interviewed stakeholders has pointed out, the project has “raised to a new level” already existing collaboration between the Municipality and national minorities associations. Moreover, as stated by a representative of a target minority, the project has for the first time seen the collaboration between different minority associations, which is a significant pledge for future joint activities aiming to secure a more favourable setting for minority rights protection.

However, the first cross country report conducted within the frame of the EU/ Council of Europe project “Promoting Human Rights and Minority Protection in South East Europe”²²⁴ had foreseen that the undertaken project had been considered only moderately a priority by both the implementing team and the respondents to the awareness assessment, specifically compared to other problems minority persons face in the municipality. The second observed risk concerned a relatively low level of organisation of minority groups in Gradiška. The project has convincingly managed to mitigate the latter concern by providing minority associations with new channels of communication with municipal stakeholders. This has in turn increased their pro-active role in project implementation leading to constructive contribution in formulating follow up activities which managed to answer to the former concern expressed in the cross country report. Namely, the follow up activities build up on the protection of minority languages – the main project’s component, by connecting it with strengthening the capacity of minority associations in the field of IT technologies and project writing.

Whereby the first part of the project has mostly been developed by the municipality stakeholders themselves, the follow up activities were jointly proposed by the minority and municipality stakeholders. This has ensured to eliminate significant difference in the priorities attached to the project actions

223 Moreover, recognizing the need to open up their municipality to potential foreign investors, and many foreign visitors that use Gradiška as an entry point to BiH, the Municipality stakeholders have translated their web presentation to English, German and Italian as well.

224 “Promoting Human Rights and Minority Rights Protection in South East Europe” First Cross Country Report.

between minority representatives and municipal stakeholders. Hence, while respondents from minority associations deem the second phase of the project as more relevant for their needs, both minority respondents and municipal officers attached higher priority to the follow up activities.

The activities: creating an inclusive space

In the first phase of project implementation a modern web page of the Municipality has been launched. A significant part of the web page is dedicated to information about activities of minority associations, including information in their respective minority languages (Ukrainian, Polish and Roma). In addition, the web page was translated into two additional minority languages (German and Italian) and in one foreign language (English).

Seventeen bilingual topographic boards indicating important cultural and religious sites of local minorities (churches, cemeteries, public offices) were set up throughout the municipality. This activity was complemented with a brochure produced by the local government, as well as a range of promotional materials (bags, pencils and project logo).

A billboard welcoming visitors to the Gradiška Municipality in the respective minority languages has been set up at the side of the road which due to the strategic location of Gradiška on the busiest border crossing station in BiH is visible to more than 1,5 million transit passengers annually.

The project has increased the capacity of four minority associations through the provision of basic IT equipment (6 computers, projector), of a common office space for the four minority association, and through the provision of training in order to facilitate coordination among the four minority associations and with the local government.

Methodology

For the assessment of best practices, several stakeholders were interviewed. The task force members and representatives of target minorities were interviewed in person in the municipality of Gradiška. The assessment is also based on the visit in Gradiška in June 2016. As this project included different outputs such as bilingual topographic road signs and billboards, it was important to see and evaluate these components as well.

For this study four persons were interviewed, of which two were municipality officials and two representatives of the minority associations who had been involved in the project implementation. Of the four respondents, three were female and one was male.

Evaluation of the project

Sustainability

- ▶ Increasing the capacity of minority associations

The project has successfully increased human and technical capacity of four minority associations through the provision of basic IT equipment (6 computers, projector, flip chart, etc.) and two training activities organized by the Council of Europe in Prijedor and Sarajevo. In the second phase of the project, until October 2016, the goal of the municipality stakeholder is to increase the number of computer units up to 20. The main objective of this activity was to facilitate better coordination among the four associations, and with the local government. In addition, the minority associations were given training in IT technologies by the Municipality staff. The associations are using the equipment to translate the key documents of the local government to the respective minority languages, and also to share the news regarding their activities on the Municipality web page. In the final stage of project implementation the minority associations were given an office space in a municipality-owned building which hosts the local business incubator, municipal social service, and an employment office. It is hoped that by creating synergy with local business promoters, and providing know-how on project writing, this project will on the medium term decrease unemployment of minority community members.

- ▶ Increasing the visibility of linguistic diversity

The project has increased the visibility of linguistic diversity by integrating three minority languages (and three world languages) in the official web presentation of the Municipality. In addition, the local government has placed a billboard at the entrance in the Municipality welcoming visitors in the official and six additional languages. Such increase of visibility of linguistic diversity is very much in line with the interpretation given by Art. 11 (3) FCNM by the ACFC. In the Commentary on Language Rights it encouraged the placing of bilingual signposts as they convey "the message that a given shared territory is shared in harmony by various population groups."²²⁵

- ▶ Increasing knowledge of cultural diversity

The project succeeded in placing 17 touristic and religious topographic signs in minority languages throughout the municipality. Marked sites were prudently selected in collaboration with minority associations in order to make sure they represent locations of significant importance for the culture and religion of local minority communities (cemeteries, churches, historic landmarks, etc.). This output was followed up by extensive media coverage and wide range of promotional activities, so that the majority population also became more acquainted with culture and history shared with neighbours coming from different ethnic

²²⁵ ACFC, The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 5 July 2012, para. 67.

grouping. This activity thus contributes to the implementation of Art. 5 and 6 FCNM, in that it supports the maintenance and development of minority cultures and languages and contributes to mutual understanding and intercultural dialogue.

Ownership

The project implementation team consisted of the Department for Development at the Municipality and the Deputy mayor of Gradiška Municipality. In addition, one representative from each of the four minority associations from Gradiška (Polish, Roma, Ukrainian and Montenegrin minority associations) was included in the project implementation team. The main tasks of the representatives of minority associations included the translation of materials in minority languages which had been posted on the new municipal website, the selection of locations for topographic signs in minority language, and advising the implementation team on project's follow up activities.

Interviewed stakeholders claim that the purpose, method of project design and tasks were clear to everyone involved in the project implementation. During the project implementation, the implementing team has gathered four times at the premises of Municipality to discuss relevant actions, while in addition numerous bilateral meeting between municipal stakeholders and minority representatives took place.

Main replicable elements

- ▶ Multilingual municipality web page and bilingual road signs

The use of language is essential for the preservation and development of national, ethnic and linguistic identity. Moreover, the use of minority languages in relation to public authorities is a constitutional principle in all the Western Balkan countries, whereby national, regional and municipal regulations determine the territorial scope of application and the authorities concerned. In this regard, setting up of multilingual administrative web presentations is an element of good practice because it fosters linguistic diversity, but also enables minority communities to present their activities to the majority community.

The use of bilingual topographic road signs is usually reserved for situations where there is legally administered bilingualism, or where there is a relevant tourist or commercial interest, i.e. at the airports, border checkpoints, tourist attractions, international institutions, etc. However, as can be observed in the Municipality of Gradiška, more informal use of bilingual signs is found in areas traditionally inhabited by minority population where appropriate signs mark their historical, cultural and religious sites. In this context, bilingualism signalled the willingness expressed by the local administration to accommodate all citizens equally. These outputs can be replicable in all diverse local administrative units.

- ▶ Institutional collaboration with minority representatives and associations

Local minority associations were integral not only in the implementation, but also in planning the activities within this project. Moreover, the involvement of minority associations facilitated the communication between non-majority community and the Municipality as minority organizations have regular and less formal communication with respective minority communities.

Benefits:

1. Increased visibility of the existing national minority associations in Gradiška municipality
2. Raise awareness about the activities of national minorities in in Gradiška municipality
3. Improved linguistic diversity
4. Increased cultural diversity

Conclusion and recommendations

This project has succeeded in advancing the capacities of four minority organizations active in the Gradiska Municipality by providing them with IT equipment and know-how in project writing. Moreover, it has improved the visibility of and knowledge about linguistic and cultural diversity by launching a multilingual municipal web platform and setting up a multilingual billboard and 19 topographic signs in minority language. All of the mentioned outputs serve as strong indicators of the project's long-term sustainability. Finally, the strong presence of the target minorities of the project in all but the initial phase of project's implementation, and the dedicated role of the municipality stakeholders ensured a strong local ownership of the project which positively impacts the overall performance.

In order to ensure the sustainability and continued success of similar projects in the future, the following recommendations are made:

- ▶ **Inclusion of the local minority community from the initial stage of the project.** In order to avoid significant difference in the priorities set through the project activities between minority and municipal stakeholders it is necessary to firmly anchor representatives of relevant minority communities within the project team from the very beginning. As the outcome of the project greatly depends on the project design, it is crucial to create multi-stakeholder taskforces already in the initial phase of project development. As seen in the case of Gradiška, an additional problem is the generally low level of organisation of minority groups

in the municipality. In these cases, municipality stakeholders' pro-active approach on empowering of the minority organizations is essential.

- ▶ **Financial capacity.** Despite the strong will to improve the integration of national minorities demonstrated by Gradiška Municipality, the complex and comprehensive tasks undertaken on promoting minority rights could not have been achieved without financial contribution by the EU and the Council of Europe. Observing the general trend regarding the stagnation or sometimes even factual decrease of financial means allocated to the promotion of cultural and other activities of minorities in the Western Balkan countries, additionally aggravated by the ongoing financial crisis, it can be concluded that the financial limitations make it more difficult to modernize minority cultural activities and institutions. Therefore, it is important to secure sustainable financial capacity of non-homogenous municipalities on national level in order to ensure that budget cuts do not disproportionately affect national minorities.
- ▶ **Transferring some powers from state to local level.** Some of the competences aimed at improving the position of minorities are in the exclusive competence of the national government. In case of Gradiška, it was difficult to secure necessary permission from the relevant national and entity authorities in order to set up road posts in minority language. Hence, it would be useful to introduce more flexible interpretation of competences for road signs if these do not concern traffic, but rather aim at promotion of minority rights.



**Gradiška
Municipality**

Evaluation of Good Practices in Croatia

Strengthening the Administration for Minority People Leads to Equality

Pula/Pola

Theme covered: Language

Affected minorities: Italian

Introduction

The local context: minorities and their community

The Constitution of the Republic of Croatia guarantees the protection of minority rights, and lists 22 traditional minorities living in the country (see above Table 1). Additionally, minority rights are protected in the Constitutional Act on the Rights of National Minorities in the Republic of Croatia and two special laws guaranteeing education in minority languages and specific rights on the usage of minority language in public life, namely the Law on Use of Languages and Scripts of National Minorities and the Law on Education in language and script of national minorities. Finally, on a regional and local levels the Constitutional Act on the Rights of National Minorities prescribes that in municipalities and cities or towns where members of minority consist between 5% to 15% they have right to have one representative in local Council. If a minority consist more than 15% at the local, or more than 5% of population at the county level, that minority has the right to proportional representation in local and regional Councils.

Croatia is inhabited mostly by ethnic Croats who, according to the latest 2011 Census account for 90.42% of population. The largest minority groups include Serbs (4.36%), Bosniaks (0.73%), Hungarians (0.33%), Italians (0.42%), Albanians, (0.41%), and Roma (0.40%). The territorial concentration of ethnicities is highly visible in Croatia where minorities inhabit the regions bordering their kin states. Italians predominantly live in Istria region where they make up 6.03% of the county population. In five counties bordering Serbia and Bosnia and Herzegovina, Serbs represent more than 10% of population.

The greatest degrees of ethnic distance are expressed with respect to ethnic Serbs, followed by Roma and Bosniaks. According to the Human Rights Watch, Serbs and Roma continue to face discrimination, with Roma facing particular difficulties accessing basic state services such as health care, social assistance, or education. Except in Istria, most of the problems that minorities are facing relate to poverty and economic underdevelopment of the regions where they are concentrated.

According to the 2011 census, the city of Pula/Pola has 57,460 inhabitants, of which the majority of its citizens are Croats, representing 70.14% of the population. The largest ethnic minorities are: 3,454 Serbs (6.01%), 2,545 Italians (4.43%), 2,011 Bosniaks (3.5%), and 549 Slovenians (0.96%).

The project: responding to local needs

Understanding that members of the Italian minority in the City of Pula/Pola do not use their right vested in the Constitutional Act on the Rights of National Minorities in the Republic of Croatia to use their mother tongue in the public life, the project 'Strengthening the Administration for Minority People Leads to Equality' aimed at strengthening the policy and capacity for the implementation of equal official use of the Italian language into practice in the local context.

During the course of project's implementation relevant municipal documents and forms have been translated to Italian and posted on the local government website, bi-lingual name plates/directions had been posted inside the City administration building and on the streets, tri-lingual (Croatian, Italian and English) 360 degrees Google map the City of Pula/Pola facilities has been created, while the employees of the local-self government have received an Italian language course.

The respondents interviewed for this study praised the implemented project as important for improving the position of the Italian national minority in Pula/Pola. Also, members of the non-Italian minority see the benefits of the project, as one of the project's indirect outcomes is increased collaboration of minority communities in the City of Pula/Pola.

The first cross country report conducted within the frame of the JP EU/CoE "Promoting Human Rights and Minority Protection in South East Europe" expressed concern with regard to the possible risk of non-inclusion of organizations of the targeted minority or of individual minority persons in the project implementation. This concern had been addressed via comprehensive outreach activities undertaken by the City of Pula/Pola stakeholders aiming to inform both minority and majority community on how best to access the existing instruments for exercising rights to official use of Italian language in the local context.

Despite of the fact that according to the latest Census Serbs are the biggest minority living in Pula/Pola, this project has mostly dealt with the promotion of Italian language owing to the fact that Italian is the second official language in Istria County. This region is the only official bilingual region in Croatia.

The activities: creating an inclusive space

During the project implementation stakeholders have translated 118 public documents and forms used for official purposes in Italian. In addition, bilingual nameplates and labels in the seven local self-government bodies and 39 bilingual traffic signs and 1 bilingual table have been posted. Finally, the city stakeholders have launched a tri-lingual 360 degrees Google street view map of City of Pula/Pola facilities. Mentioned activities are directly linked to Article 10 of the ECRML that ensure the use of minority languages within the framework of the regional or local authority and that facilitates and encourages the use of minority languages by other means, and Articles 10 and 11 of the FCNM.

In order to increase the accessibility of City services to the members of the Italian national minority, the City of Pula/Pola has offered an Italian language course for its employees. The language course participants were selected based on their personal interest, but also conditioned that their daily work includes direct contact with members of the Italian minority community. At the end of the project 24 public servants have successfully completed 70 hours language training. Out of these 10 attendees reached level A2, 7 attendants attained level B1, and 7 attendants achieved level B2. Based on the interviews with stakeholders, the employees' feedback on the opportunity to learn Italian language was extremely positive, while the local self-government has even received recurrent expression of interest for more advanced level courses.

An integral part of the project included meetings with the representatives of all nine local minority groups. The most important events were a workshop, a conference and a discussion group for youth on the rights of persons belonging to the Italian national minority to equal official use of language and script. More than one hundred relevant stakeholders, city representatives, and project staff participated in the events.

Finally, the city stakeholders have organized numerous promotion activities aiming at raising the visibility of the undertaken project activities. These included the publication of special brochures on the right to use minority language in proceedings before administrative bodies of city of Pula/Pola, promotional leaflets, and participation in public events including in the celebration of the 'Week of Europe,' National minorities day, Pula/Pola film festival, etc.

Methodology

For this study four persons were interviewed, of which three were municipality officials, and one representative of the council of national minorities. The representative of the council has not been directly involved in the project implementation. Of the four respondents, two were female and two were male. The task force members and the representatives of target minorities were interviewed in person in the City of Pula/Pola in July 2016.

Evaluation of the project

Sustainability

- ▶ Increasing the visibility of linguistic diversity

Setting up of bilingual name plates and labels in offices, and setting up of bilingual signs will on the long term increase the acceptance and positive connotation of linguistic diversity in the City of Pula/Pola. These actions have potential to enhance the use of Italian language in public sphere.

- ▶ Improving application of legal provisions and the enhancement of the official use of minority languages

The use of Italian in the public sphere has thus far been hindered by an insufficient number of civil servants who can communicate orally and in writing in Italian, as well as the lack of bilingual forms necessary for written communications with public authorities. This project has improved the possibilities for persons belonging to the Italian minority to use their language by increasing the linguistic competence in the City of Pula/Pola staff by providing Italian language training to 24 public servants, and by the translation and publication of public documents and forms used for official purposes in Croatian and Italian languages. With these actions, the project will likely succeed in enhancing the official use of Italian language in the public administration of the City of Pula/Pola, both in communication with representatives of minority communities, and in the mutual interaction of local authorities.

- ▶ Improving the collaboration between various minority organizations

Despite of the fact that the main users of this project were only members of the Italian national minority, the events organized within the scope of the project's implementation, and particularly a conference and a discussion group, have resulted in an increased collaboration between the ten minority organizations present in the City of Pula/Pola. In this regard, it is noteworthy that at the project's midterm workshop an Alliance of Minority Councils in the City of Pula/Pola was proposed. Once achieved, this unintended output will likely additionally improve minority rights protection of other national minorities in Pula/Pola that are not directly benefiting from this project.

Ownership

The project implementation team consisted of the staff members from the Department of European Policies, International Cooperation and Information of the Pula/Pola City Council, the department for Labor of the Pula/Pola City Council, and the Office of the City of Pula/Pola. In addition, the deputy mayor of the City of Pula/Pola provided necessary political support for the project's implementation. Stakeholders interviewed note that the purpose, method of project design and tasks were clear to everyone involved in the project implementation. The implementing team has closely collaborated with other City administration bodies, particularly in regard with the selection of attendees in the Italian

language course. Although the collaboration with relevant minority organizations and individuals was initially missing, the situation has changed towards the end of the project when all minority organizations operating in the City of Pula/Pola had been involved in project's events.

Main replicable elements

- ▶ Promotion of linguistic diversity via language courses, translation and publication of bilingual documents and forms necessary for written communications with public authorities and the use of bilingual toponomy

The promotion of linguistic diversity directly increases the ability of target minorities to use their mother tongue in the public sphere. These activates are particularly replicable in local self-governments inhabited by minorities whose mother tongue is different than those of the majority of local population. Furthermore, these are directly linked with articles 10 and 15 of the FCNM to the extent that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing and that the signatories will create conditions necessary for the effective participation of persons belonging to national minorities in public life. Furthermore, this element is correlated with article 8 and article 10 of the Charter to the degree that it encourages the provision of adult and continuing education courses taught in minority languages, as subjects of education will ensure the use of minority language within the framework of local authority.

- ▶ Public opinion survey

Prior to experimental setting up of bilingual signs, the City of Pula/Pola stakeholders have performed a public opinion survey on bilingual signing by carrying out two analyses considering various quantitative and qualitative parameters. By involving more citizens in the decision on setting up of bilingual signs in a local context, the local-self government has made sure that this method of promotion of bilingualism will not be viewed as intrusive, and thus prevented possible popular opposition and/or acts of vandalism towards the bilingual signs in the future. Public opinion polls, however, include the risk that the majority of citizens would oppose to affirmative actions concerning minority languages promotion. Such risks must be taken into consideration when public is consulted, and if necessary, they should be precluded by informative outreach campaign.

Benefits:

1. Increased accessibility of City services to the members of the Italian national minority
2. Improved linguistic diversity in the City of Pula/Pola
3. Improved capacity of the public administration in the City of Pula/Pola
4. Enhanced collaboration between various minority organizations

Conclusion and recommendations

This project has improved linguistic diversity in the City of Pula/Pola by improving the conditions for target minorities to use their mother tongue in oral and written communication with the local public authorities. The project has also seen additional value added in terms of increased collaboration of various minority organizations. As mentioned above, the project has strong potential in terms of its application to other local administration units. In order to ensure the sustainability and continued success of similar projects in the future, the following recommendations are made:

- ▶ **Improve the awareness of minority rights among the target group.** The interviews conducted in the context of the evaluation of the project, and within the preparation of the best practice manual have shown that members of the minority communities have limited knowledge of international law, national legislation, policies and strategies for promotion of their rights. Moreover, despite of the absence of tangible figures, it can be concluded from the interviews that the number of citizens using their mother tongue in communication with local public administration has not increased. In order to maximize the impact of efforts to improve conditions for the use of minority languages in relations with local authorities, an additional project component would have to take into account public outreach activities aiming to raise awareness of the minority rights both among minority and majority population.
- ▶ **Secure support of the majority population.** The implementation of affirmative action promoting linguistic diversity, such as setting up of bilateral traffic signs, greatly depends on the local support of the majority population for such measures and the political will of the elected representatives. In this regard it is necessary to secure wider support for such actions by the majority population. This can be done via outreach activities such as public debates, media activity, brochures, leaflets, or even door-to-door campaign particularly in smaller self-government units
- ▶ **Set up language knowledge as an employment requirement.** In order to secure the use of minority language in public sphere in those local self-governments where two or more languages are in official use, parallel with offering a training in minority languages, establishing a linguistic requirement for positions in public administration should be imposed. The requirement could additionally be adjusted reflecting the level of interaction with the public.



Pula/Pola

Evaluation of Good Practices in Montenegro

Roma and Egyptian Educational Mediators and Assistants

Tivat Municipality

Theme covered: Education

Minorities affected: Roma and Egyptians

Introduction

The local context: minorities and their community

Montenegro has more than nine communities living in its territory according to the last census and they are generally target to discrimination. Although the state organizes trainings for the public civil sector on anti-discrimination, the efforts to battle discrimination remain modest.²²⁶ The Albanian and Bosniak communities continue to be underrepresented in public administration²²⁷ while the Roma and Egyptian communities face difficulties in finding employment.

Societal violence has been reported, particularly towards the Roma, Ashkali and Egyptian communities.²²⁸ These communities living in Montenegro face many issues, while some have lived in the territory of Montenegro for a longer time, other are refugees from Kosovo*, whose legal status has still not been resolved by the state. As is the case with other countries in the region, in Montenegro, too, the Roma and Egyptian communities have difficulties with accessing education, health care and the labor market and do not have political representation. In addition, they often live in very poor conditions and neighborhoods with nonexistent infrastructure. The women of these communities are particularly vulnerable as they marry at an early age, which hinders their education and endangers their health due to early childbirths. While primary education in Montenegro is free, and secondary

226 US Department of State Country Reports on Human Rights Practices in 2015, Report on Montenegro.

227 Minority Rights Group Directory, Montenegro.

228 US Department of State Country Reports on Human Rights Practices in 2015, Report on Montenegro.

education is free but it is not compulsory, there are generally lower attendance rates of the Roma and the Egyptian communities, 51% and 54% respectively.

In the municipality of Tivat, the Egyptians form the fourth largest community after the Montenegrin, the Serb and the Croat communities, with 335 inhabitants, while there are 35 Roma inhabitants, 1275 did not want to declare their ethnic belonging, while other communities include Albanians, Bosniaks, Muslims, Macedonians and Yugoslavs, among others.²²⁹ It must be noted that the Roma communities are generally undercounted in the Census.

The Roma and Egyptian communities in Tivat speak Albanian and Romani, and have difficulties learning Montenegrin, the language of instruction in schools, as children belonging to these communities rarely attend kindergarten. As a result they have difficulties passing the entrance exam which is a requirement for all students entering first grade. In addition they have problems passing the exam that allows them to pass on to the next, which is an exam given to students with poor grades. Pupils who do not pass this exam have to repeat the year, while students who do not pass the entrance exam go back to kindergarten. Even if students pass the entrance exam they have difficulties following lessons and successfully finishing school. In one case, which serves an indicator of the discrimination faced by Roma and Egyptian students in Tivat prior to the start of the project, six Roma and Egyptian students were sent home by their teachers citing "hygienic reasons".²³⁰ Discriminatory treatment such as this can also contribute to the early drop-outs. In addition, the language barrier creates a further impediment to the advancement of students in school as well as promotion in employment

The project: responding to local needs

The project "Roma and Egyptian Educational Mediators and Assistants" addressed the issue of education of the Roma and Egyptian communities living in Tivat. The project aimed to target this issue at its core, namely, help students pass the entrance exams which are required for school registration and the end of term exams which are required for students with a lower average grade. In addition, the project worked with the enrolled children belonging to the Roma and Egyptian communities to better integrate into the school environment and to reduce the number of drop-outs.

In order to target the high drop-out rate and increase support to minority students to meet their challenges within the education system, the project created an Info Spot which would serve to monitor their attendance, provide additional classes, workshops and support to pupils and teachers. The Info Spot, an office within the school composed of a mediator and the educational assistant, worked constantly in supervising and mentoring the students. This office not only strengthened the role of the educational assistant and mediator within the

229 Statistical Office of Montenegro, 2011 Census data, <http://www.monstat.org/eng/page.php?id=394&pageid=57>.

230 "Promoting Human Rights and Minority Protection in South East Europe": Second cross country report on awareness assessment, pg. 227–228.

school by setting a clear positive practice, but they also established an important channel of communication between the school and the parents, who often have problems with the Montenegrin language. All the stakeholders relevant for the improvement of a child's education were involved into making this project a success, the parents, the school and the relevant municipal institutions. In addition, the manner in which this project defined the role of educational assistant, and the condition in which they worked in, can serve as a good practice for the improvement of their role in Montenegro. As noted in the Introduction to this study²³¹, the ACFC assessed that the Roma educational assistants in Montenegro often work in precarious conditions, with an undefined legal status.

Most importantly, the project created a safe space for children of the Roma and Egyptian community. The parents interviewed noted that the project had not only provided a strong moral support, but that they had also noticed great improvement in the behavior of their children and in their scholastic success. In addition, they noted that the office and its staff had served to provide the much needed additional courses necessary to succeed, as well as having nurtured the creativity of the children, as the project involved different activities, including arts and crafts. One parent noted that they, too, had often visited the Info Spot as they also felt that it was a welcoming office for them to inquire and look after their children while in school.

The increased level of trust between the mediator and educational assistant, the school and the parents also enabled the project to address other challenges of the community such as early marriages and public transport. The project team often responded to the needs of the community, for example they built a road with the help of the municipality, to enable better transport for the children of the Roma and Egyptian communities, as their neighborhood was hard to access with a vehicle. All of the measures were taken with the main aim of improving access and the quality of education.

Although it was initially foreseen that the municipality of Tivat had less favorable conditions for implementing its project²³² as the success of the project depended on the local school for its implementation which meant that if the school was unwilling to participate the project would be in risk, this difficulty was overcome once the legal base of the Info Spot was confirmed by the Ministry of Education. In addition, the unfavorable conditions were overcome due to the fact that the project team, who included municipal officials as well as the mediator and educational assistant, who belong to minority communities, was very persistent and motivated to work on the project which was noted from the very beginning of the project²³³. It is the close cooperation of everyone involved in the project, municipal officials, the school and community representatives that enabled the successful implementation of this project.

231 See Introduction, pg. 14.

232 "Promoting Human Rights and Minority Protection in South East Europe": Second cross-country report on awareness assessment, pg. 229.

233 "Promoting Human Rights and Minority Protection in South East Europe": First cross country assessment, pg. 67.

The activities: creating an inclusive space

The project's activities aimed to increase the number of Roma and Egyptian students in the local schools as well to improve their educational attainments and target the main issues that hinder them from attending. The project's main outcome was the Info Spot which is an office within the local school 'Drago Milovic'. The Info Spot had 800 visits by students, parents, teachers, school director and educational services during the project's implementation. Through the Info Spot extra classes and workshops with children were organized. Namely, there were 69 classes for pre-school students in order to prepare them for the entrance exam, and twice a week additional classes with older children were offered to help them with difficulties they encountered in class. Importantly, the students were given language classes in Montenegrin and in English, the latter was given on a voluntary basis and was not initially foreseen by the project. The students were taken to field trips and to different school concerts and a photo exhibition which further facilitated their integration into the school and helped them make friendships with students of the majority community.

The project also conducted 16 workshops with parents in order to raise their awareness on hygiene, early marriages, the importance of education, prevention of peer violence.

A database of Roma and Egyptian students in the municipality of Tivat was developed and updated during the course of the project. The database is used to document the number of students who are attending school, their participation, and following the number of students who do not attend school and of future students that need to enroll.

Methodology

For the assessment of best practices, thirteen persons were interviewed. The task members and the members of the targeted minority were interviewed in person in the municipality of Tivat. The assessment is also based on the visit in Tivat and the school "Drago Milovic" in the month of June.

Of the thirteen persons interviewed for this study, two were municipality officials, one community representative who had worked in the Info Spot, the school principal, and two teachers who had worked with the minority students by tutoring them. Seven interviewees were members of the targeted minority, of which three parents, and four children. Because the children were very young in age and they were shy they were interviewed in the presence of their parents. Of the thirteen respondents, eight were female and five were male.

Evaluation of the project

This project was successful as it created a safe and open space for minority students within the school. This facilitated their integration and motivated them to stay in

school and feel the benefits of education. It also provided for a space where the teachers could turn to in case of need, the office also served to raise awareness of the issues which students belonging to the Egyptian community face. Lastly, it created a connection between the parents and the school, making the parents feel that their child is being taken care of and safe at school, and keeping them informed at all times.

“The Info Spot was a light in the dark for [the Roma and Egyptian] community”

Sustainability

This project’s sustainability is ensured due to the functionality of the Info Spot within the local school “Drago Milovic”. The success and effectiveness of the office, with the aid of other factors, make this project sustainable and project worth implementing in other schools within and outside Montenegro. The components which contribute to this project’s sustainability include:

- ▶ Increasing educational support for minority pupils

The Info Spot for the children of the Roma and Egyptian community within the school created benefits both for the community and for the school, which ensures its sustainability as it is evidently in the school and the larger community’s best interest that this office continues its work. Interviews with the project staff, parents and children revealed that they are all interested for this project to continue as they all believed that it had contributed greatly towards greater integration and higher quality of education for minority pupils. The project staff was satisfied with the success of children at school and the decreasing number of drop-outs, the parents were very satisfied with the professional assistance that their children were receiving, while the children had received constant support by the Info Spot.

The Info Spot is composed of one mediator, one assistant, as well as the teachers giving extracurricular lessons to the students in order to prepare them for the entrance exam as well as helping pupils already at school to them catch up with their peers. The pupils were divided into a group of younger and older children and helped throughout the school year. The mediator and assistant were at the office full-time, rotating their schedules. They were in charge of helping students and teachers. They would provide help with translation so that the students, parents and teachers could understand each other. They also monitored the students during the exam and made sure that all minority students were present. The mediator and assistant provided considerable moral support to the students and to their parents, facilitating the integration of students into the school environment. The Info Spot is located in a room within the school building. It has chairs and desks for the students, notebooks and other school materials, a printer and a computer. It is a very simple yet welcoming space that has the children at its center. Its walls are covered with drawings made by the pupils giving them a sense of pride but also ownership of the space.

While at the initial stages the legal framework for the inclusion of such an Info Spot was uncertain, the dilemma was resolved with approval by the Ministry of Education of Montenegro, making the functioning of the office within school premises

possible. This permission also outlines the obligations and duties of persons who work in the office, but it also ensures its legitimacy within the school. For the duration of this project, the office became a reference point for students, teachers and parents alike. The children found a safe environment where they could go and learn, complain, ask questions or seek advice. The teachers turned to the office each time a child was missing in school or the parents of the child were needed. While the parents visited the office to discuss their children's progress, but also to seek help with reading and writing official documents. The mandate of the office often extended beyond the expected, as the two officials working there often worked longer than required in order to make sure that all children were at school, that they were safe, and that they felt comfortable in their school environment. This year marked the first time that members of the Roma and Egyptian communities have graduated middle school in Tivat, with four students continuing to higher education, with the help and support of the office for their applications. Although the Info Spot was primarily to help pupils entering school and the younger generations, it also served older generations, as the mediator and the assistant helped them with advice on high school options and helped them with their admission process. The mediator and the assistant continue to work within the Info Spot preparing children for the next school year and the municipality is lobbying the Ministry of Education for funds to sustain the office beyond the project.

- ▶ Facilitating evidence-based policies and monitoring

Within the scope of this project a database of students belonging to the Egyptian community was made by the Info Spot staff, the school and the municipality. This database helped to map the students who are enrolled and monitor their attendance. The database has been updated for the new school year in order to ensure that all new students are registered. The students were monitored for attendance and their parents were contacted each time they would miss from school, which was not practiced before with Roma and Egyptian pupils.

This database is a simple tool, which can be easily used by both the school and the municipality in the future. The database is available to the school and to the municipality of Tivat where the data are kept and updated.

- ▶ Improving communication between the school and the minority communities

The two officials working in the Info Spot, one mediator and one assistant, are trained individuals who know clearly what their duties and limitations are within the school. They are further trained and have experience in dealing with sensitive topics such as early marriages. Their knowledge on issues affecting communities as well as the trust that they have among the Egyptian community in Tivat was one of the main reasons for the project's success. It also may ensure its sustainability. Both the school and the municipality were very satisfied with the work performed by the two officials and were eager to see them continue in the same positions they had within the project. The trust and enthusiasm also extended to other employees within the office, the teachers, who worked voluntarily at times in order to keep the project going. Both the mediator and the assistant conducted many field visits which helped them build close ties with the Roma and Egyptian communities as

well monitor the students better. The dedication and the knowledge of the persons involved in the maintenance of the office ensure its sustainability.

- ▶ Increasing the language skills of minority students and their participation

The language courses were essential for the children. The Roma and Egyptian population in Tivat speak Albanian, while the language of instruction is Montenegrin. The language barrier is one of the main reasons that students lag behind in class as they do not understand the language of instruction, and are thus discouraged to continue their education. The language courses, along the additional courses, that the children had helped them not only pass the entrance exams that all students need to pass in order to start school, but it also helped them situate themselves in their environment better. They felt more confident and showed great improvement in school. Their improvement and success this year, due to the great support from both teachers and the mediator and assistant, will continue to have positive effects.

Important issues to consider:

- **Legal framework:** the legal framework for such an office within the school might differ based on the country, thus the legal framework must be considered before the start of the project, to avoid delays.
- **Officials:** it is important that the persons hired as mediator and assistant be trained and well regarded by the community they work with.

- ▶ Raising the awareness of minority communities

The project included workshops for the parents and for the children. The workshops with the parents are particularly important as the importance of educating children was discussed, as were child marriages. Raising the awareness of parents on these two issues is important for the project's sustainability as the parents learned to become aware of the importance of children staying in school. These issues are especially sensitive when referring to female pupils, as they are often the ones that suffer from child marriages and thus leave school early. These workshops made it possible for the problem of education to be addressed with parents and not only through the work done with the children. The parents were very included throughout this project, indeed the Info Spot had 240 visits by parents who came to the office to get informed about their children's progress but also seek help for other issues. One parent noted that they would visit the Info Spot almost on a daily basis, as they also thought it was a safe space for them. The project staff, through the workshops held with mothers, also noticed their potential. Many of the women were unemployed but have the skills to be employed in the future. The project staff is currently considering ways in which to include mothers more in the future.

Ownership

The project had broad support from the municipality, the school and the community. The Municipality felt a very strong ownership of the project and so did the school. It was noted that there should be no other location for the Info Spot but the school, where the mediator and assistant can interact with the

student and teachers directly. The mediator and assistant, the project staff, had all gone beyond the expected roles in implementing the project, often working voluntarily. All praised the relentless work of the mediator and assistant and noted that their position within the school but also their position within the Roma and Egyptian community helped bring this project to a successful conclusion. The project has all the institutions important for its implementation supporting it, namely the municipality, the local school and the Ministry of Education. In addition, the project staff had excellent cooperation with various departments within the municipality that allowed them to implement different parts of the subject. This support sets a firm foundation for the continuation of this project. However, the factor which ensures the sustainability of this project are the individuals that are involved within it. The project staff continues to think critically about the issues which concern the Roma and Egyptian population in Tivat. They implemented a survey with parents to find out the reasons why children are not being sent to school and sought out the principal cause of why they remain behind in classes. Based on their survey, the main reason why the children would be left behind in school is because they are not sent to kindergarten, thus they do not learn the language and consequently have problems with the entrance exams.

These additional steps show that the municipality, the school and the project staff are determined to tackle the problem of education from its roots in order to be successful in solving it. This determination and strong ownership above all ensure a successful project in the coming years, with the Info Spot serving as its main channel of communication for and between the different institutions, the parents, and the children.

Main replicable elements

- ▶ Info Spot within the school's premises

The Info Spot inside the school is a tool which is very useful and has very visible and successful impact on the target community. It is important that the Info Spot be replicated inside the school, and not in an external office or building, as this way it can establish direct contact with the pupils and respond to their needs immediately. The proximity was crucial in confidence building both for the pupils and for the teachers, as both these groups learned to lean on the services of the Info Spot. In addition the location within the school serves to give the Info Spot more legitimacy, which is particularly important for the parents. Another factor that makes the Info Spot successful, and should be taken into consideration if it is to be reapplied elsewhere, is the fact that there was both a man and a woman working there. The assistant who is a woman became a confidante to the young girls at the school and thus had a better view of what their problems were. The male mediator was crucial in tackling prejudice and the resulting violence or provocations that happen at the schoolyard. Through supervising the pupils during the lunch break, the mediator was able to prevent disagreements and to address them. In addition, the pupils were less likely to skip class as they were being watched and cared for during the break. The availability of officials of both genders was also helpful to establish closer relationships with the parents, which also was instrumental in decreasing occurrences of drop-outs and long absences.

However, a municipality wishing to replicate this will need to establish the legal framework and limits of such an endeavor in order to establish the competencies and the possibilities of having such an office. As the confidence between mediator and educational assistant on the one hand and the children and parents on the other is crucial for the effective functioning of such an office, it is important to ensure that these individuals are contracted on a long-term basis.

► Workshops for parents and pupils

The project included several workshops with children and with parents on different issues targeting the Roma and Egyptian communities in Tivat. The topics with the parents included the importance of hygiene and sanitation, early marriages and the importance of education. The children were offered art workshops on drawing and language classes. The workshops with the parents are particularly important to conduct and to replicate as it also enfold them into the process of learning. By raising the awareness of parents on issues such as early marriage and education, the project ensured that the persons who are most responsible for the children are well aware of the consequences of drop-outs and early marriages. It is important that in such projects, the parents be closely involved in the project, not just children, as the home environment is as important, if not more so, as the school environment. While some issues to be dealt with in such workshops are of general relevance (such as the importance of education) others might change with local circumstances.

► Additional courses and tutoring for pupils

The additional courses at the preschool level, and for the children already enrolled in school are very useful. The additional tutoring is not only beneficial for cases where there is a language barrier but also where there is a high drop-out rate. The additional classes helped the preschool children to pass the entrance exam and build the confidence before attending school. For the older children, who have had no earlier support, the classes helped them improve their school results, understand concepts that were difficult and gain discipline, as one respondent noted. Providing educational support for children who have not attended school before, or have attended but dropped-out, is very important in building their trust and confidence. The classes were further supplemented by field trips that served as incentives for the pupils to do well in school, and this is also a good practice. While in the additional classes the children were of the Roma and Egyptian communities, during the field trips, pupils of all communities were together. The school facilitated and reduced payments for children belonging to the Roma and Egyptian communities so that they could attend. The field trips helped to create friendships across communities. One respondent noted how the children had sat separately at the start of the field trip, but at the return trip the children had mixed and were no longer dividing themselves.

It is important to note that the attendance of pupils was greatly facilitated by free transport that would wait for them to finish their additional classes and take them safely home. Thus free transport for pupils belonging to vulnerable communities is advised.

- ▶ Database for monitoring attendance and number of students

The database is a very useful tool and simple to replicate, particularly in smaller municipalities. The database facilitates monitoring of the number of pupils pursuing school, but it can also help in developing policies. In order to address issues addressing communities and develop evidence-based policies, their number in a given municipality is important in planning strategies for dealing with issues targeting minority communities.

Benefits:

1. Creates a safe and reliable environment for pupils belonging to minority communities
2. Increases the confidence and success of children belonging to minority communities
3. Builds a strong and consistent link between the school and the parents
4. Addresses issues of minority pupils and their environment at an early stage
5. Improves the efficiency and success of the role of educational assistants

Conclusion and recommendations

This project created a safe and welcoming space for pupils belonging to the Roma and Egyptian communities in Tivat. Through the Info Spot, the mediator and educational assistants and the tutors, the pupils had the moral as well as educational support needed for them to attain success at school. In addition, the project increased the trust of parents in the educational system as well as the municipality, as all worked in conjunction for the successful implementation of activities. The project staff's comprehensive view of the issues concerning the Roma and Egyptian communities in education created targeted approaches towards overcoming them. For the successful replication of this project, the following recommendations may facilitate the implementation:

- ▶ **Legally define and establish the role of educational assistant.** A clearly defined status for the educational assistants would facilitate the implementation of the project as it would not cause delays in response due to an uncertainty regarding duties. Furthermore, it would give the position more legitimacy and security that would strengthen the cooperation with the relevant bodies such as the school and the municipal institution. Although in Tivat the cooperation was very efficient, without clear definitions of duties, the execution of the role of educational assistant would depend on the good will of the school and municipal or national authorities. Even in Tivat, the Info Spot could only be implemented after the approval of the Ministry and definition of duties, which caused slight delays in implementation.



Tivat Municipality

Evaluation of Good Practices in Serbia

E-Trilingualism

Subotica/Szabadka

Field: Official Use of Languages and Scripts

Key minority engaged: Hungarians, Croats

Introduction

The local context: minorities and their community

The Constitution of the Republic of Serbia prohibits discrimination of members of national minorities and guarantees their right to equality before the law. Minority rights are regulated in more detail in the Law on the Protection of Rights and Freedoms of National Minorities, and the Law on National Councils for National Minorities. Provisions on certain national minority rights are also enshrined in the Law on the Official Use of Languages and Scripts, the Law on Public Information and Media, the Law on Culture and relevant laws on education.

According to the 2011 census there are 37 different ethnic groups living in Serbia. The most prevalent ethnic minorities are Hungarians (3.53%), Bosniaks (2.02%), Roma (2.05%), Croats (0.81%), and Montenegrins (0.54%), while all other minorities are represented by less than 0.5 percent each. Whereas ethnic Serbs and Montenegrins are predominantly Orthodox Christians, Hungarians and Croats are Catholics, while ethnic Bosniaks, Roma and Albanians are predominantly Muslim. Ethnic Serbs, Bosniaks, Montenegrins and Croats belong to the South Slavic group, while ethnic Hungarians, Roma and Albanians are of non-Slavic origin. Although South Slavic origin ethnic groups understand each other, each of these ethnic groups has its own language.

The territorial concentration of ethnicities is highly visible in Serbia where minorities inhabit in the regions bordering their kin states. Hungarians predominantly live in Vojvodina where they constitute 14,28% of the provincial population. In six municipalities bordering Hungary they represent an absolute majority, and in two a relative majority. Bosniaks live mainly in Sandžak between Serbia, Montenegro and Bosnia and Herzegovina and Kosovo*. Albanians mostly inhabit the municipalities of Preševo, Bujanovac and Medvedja bordering Kosovo*. Roma live spread across Serbia and it is estimated that their numbers

are at least three times higher than official figures suggest. The lack of accurate statistics on their actual numbers is the result of the high degree of exclusion this group is experiencing in every sphere of life starting with the low participation rate in education and labor market to precarious social and economic conditions in which Roma live.

The greatest degrees of ethnic distance are expressed with respect to ethnic Albanians, followed by Croats, Roma and Bosniaks. In addition, it is worth noting that sporadic inter-ethnic incidents continued to appear in Vojvodina in the past several years, and specifically in towns inhabited by the Hungarian minority – Temerin, Bečej and Novi Sad. Still, most of the problems that minorities are facing relate to poverty and economic underdevelopment of the regions where they are concentrated. Sandžak and Southern Serbia are amongst the poorest areas in Serbia. High unemployment rate, neglected infrastructure and lack of economic prospects contribute to destabilizing factors.

According to the 2011 census, the city of Subotica/Szabadka has 141,554 inhabitants, of which 35.65% (50,469 people) are members of the Hungarian minority, 27.02% (38,254 people) are Serbs, 10% (14,151) are members of the Croatian national minority, and 9.57 % (13,553 people) are members of the Bunjevac national minority.

The project: responding to local needs

Although the Serbian Constitution stipulate the official use of Serbian language and the Cyrillic script, it entitles persons belonging to national minorities to the official use of their language and script. The Law on the Official use of Language and Script confirms that minority language can be used for legislation, communication with public bodies, introducing names into official documents, the work of representative bodies, the names of units of local self-governance, towns and villages, streets, squares, etc., in municipalities where at least 15% of the population belong to a minority. There are seven languages in official use in various municipalities in Vojvodina (Serbian, Croatian, Romanian, Ruthenian, Hungarian, Slovak and Czech), and four in certain municipalities of central Serbia (Serbian, Bosnian, Albanian and Bulgarian).

Recognizing the need for improvement of the use of Hungarian and Croatian languages in the city of Subotica/Szabadka, this project aimed to build the technical capacity of representative bodies of local self-government through the extended specialized software for Document Management System (DMS) in both languages. A DMS is a computer programme used to track, manage and store official documents in the Subotica/Szabadka public administration, however thus far it has been available only in Serbian language.

It is expected that the project will have a long-term effect on the quality and the scope of applying national minorities' linguistic rights and in the resolution of personal needs of citizens belonging to national minorities. Although the main users of the DMS are members of the city administration, the main beneficiaries are the citizens belonging to Hungarian and Croatian minority communities. There is still no

significant interest by the target minorities for the use of the novel administrative services offered in minority languages, which interviewed stakeholders interpret in light of the fact that the system has been established only recently, but also due to the lack of outreach activities, and insufficient collaboration with councils of national minorities. Despite, several representatives of the target minorities considered the project important and expressed their satisfaction with the possibility to register, for example, in the minority election lists in their mother tongue.

These challenges were already recognized in the first cross country report in the framework of the project which signalled the lack of inclusion of the relatively well organized minority community in choosing the topic or design of the project. However, considering the highly technical scope of the project, this difficulty did not prevent the successful execution of the project tasks themselves. Still, in order to disseminate the results of the project and raise the awareness of citizens belonging to national minorities concerning their rights to use their own mother tongue in contacts with city administration, it will be crucial to involve local minority NGOs and national minority councils.

The activities: creating an inclusive space

The main result of the project is launching of the Specialized Document Management System (DMS) – software system for the organization of documents with the ability to control and monitor the language of the administrative procedures and the possibility to inform users about the transition of their case to the next phase, as well as about the completion of the process. In the course of project implementation the DMS has been tested, while the city model-forms have been translated and electronically integrated in languages which are in official use in the local self-government.

This project is highly technical in design, calling for specialized expertise. Therefore, an important component of project implementation has been to increase the capacity of approximately 40 local self-government stakeholders through the provision of training on the use of the DMS application.

Project outcomes were presented in a full-day inter-municipal conference, as well as through various promotional activities on the territory of the North-Bačka Administrative District which include info days organized by the city of Subotica/Szabadka, and increased collaboration with local and national media.

Methodology

For this study five persons were interviewed, three were municipality officials, one representative of the council of national minorities, and one representative of the target minority. The representative of the council and the representative of the target minority had not been involved in the project implementation. Of the five respondents, four were female and one was male. The task force

members and the target minorities were interviewed in person in the city of Subotica/Szabadka in June 2016.

Evaluation of the project

Sustainability

- ▶ Increasing linguistic diversity

The project has increased linguistic diversity in the City of Subotica/Szabadka by integrating public administrative documents which are generated by the City Administration within various jurisdictions (i.e. minority voter lists, registries, finances, social affairs, family allowances etc.) into a uniformed system complying with the requirements of official trilingual usage, namely into Serbian, Hungarian and Croatian languages. A sustainable result is the unification of documents throughout the City Administration, so as to be defined in all three official languages and to be generated in a quick and reliable way. In this way, the project has succeeded in enhancing the official use of minority languages in the public administration of the City of Subotica/Szabadka, both in communication with representatives of minority communities, and in the mutual interaction of local authorities.

- ▶ Improving application of legal provisions and the enhancement of the official use of minority languages

The impact of the project is a consistent implementation of the Law on the Official Use of Languages and Scripts, as well as other above-mentioned legal acts. This project will have a long-term effect on the quality and the scope of applying national community rights in public administration with regard to use of mother tongue for national minorities.

- ▶ Modernization of City Administration IT system

As a result of the project, the pre-existing City Administration IT system has been fully updated. Approximately 40 local self-government stakeholders have received training on the use of new IT technologies relevant for the implementation of this project. The capacity-building of the City Administration will help to overcome the practical and technical difficulties encountered while using minority languages in the official communications domain. Moreover this project has already opened up new channels of communication between the City Administration and minority community via email and SMS. The sustainability of the project is ensured through the newly extended specialized software for Document Management System (DMS). The system has the ability to control and monitor the language of the administrative procedures, and to inform the user about the transition of the case file to the next phase as well as about the completion of the process. The script office provides the main module, which forms the basis of the entire office operations of the City Board. The module is used to admit documents and follow the course of a case, while in addition it is used to compile a statistical database that will be used by the City Administration

and relevant institutions to further develop legal and practical instruments for improvement of minority rights.

Ownership

The project implementation team consisted of the staff members from the Department for Local Economic Development (LED), the Department for Informatics, and the customer service administrative staff of the City of Subotica/Szabadka. Interviewed stakeholders claim that the purpose, method of project design and tasks were clear to everyone involved in the project implementation. During the project implementation, the implementing team has closely collaborated on a daily basis at the premises of the City Council to discuss relevant actions, while in addition numerous media outreach activities, one conference, and four bilateral meeting between municipal stakeholders and minority councils representatives took place. Although the project lacked substantive support from the target minorities, due to its strictly technical aspect it was more important that the implementing team has received support by the Ministry of Public Administration and Local Self-Government.

Main replicable elements

► Specialized Document Management System

The Specialized Document Management System (DMS) – software system for the organization of documents with the ability to control and monitor the language of the administrative procedures and the possibility to inform users about the various stages of their cases is genuinely advantageous practice applied by the City of Subotica/Szabadka. As such it is replicable in various public administration institutions. However, the fact that the DMS has translated the city model-forms into three official languages in Subotica/Szabadka (Serbian, Hungarian and Croatian), makes this component of the project unique and innovative, and as such highly commendable for replication in non-homogenous local self-government settings. While it can immediately be used in other municipalities in Vojvodina which have the same minority languages, as learned during the interview phase, the project implementing team has already received interest to transfer their know-how to several municipalities in Montenegro and Southern Serbia.

Benefits:

1. Improved application of legal provisions concerning the protection of minority linguistic rights
2. Enhanced capacity of public administration in the City of Subotica/Szabadka
3. Increased Linguistic Diversity in the City of Subotica/Szabadka
4. Increased accessibility of City services to the members of the Hungarian and Croatian national minority

Conclusion and recommendations

By creating a system that can be used by trained city employees to benefit its citizens this project has succeeded in advancing the capacities of City of Subotica/Szabadka public administration. Moreover, it has improved linguistic diversity in Subotica/Szabadka by enabling target minorities to process and submit official documents in their mother tongue via the use of a DMS. As mentioned above, the project has strong potential in terms of its application to other local administration units. In order to ensure the sustainability and continued success of similar projects in the future, the following recommendations are made:

- ▶ **Transfer of know-how.** This project is highly technical in design, calling for specialized expertise. Therefore, an important component of future projects dealing with the use of DMS application in order for the local self-governments officials to better address the minority rights in their respective municipalities would have to be the transfer of know-how and capacity building of relevant local self-government stakeholders. Bearing in mind that the public servants in the City of Subotica/Szabadka have demonstrated high proficiency in developing and implementing the DMS application, it would be highly recommendable to include them as trainers in interested local-self governments.
- ▶ **Secure financial capacity.** Despite the strong political will to improve the integration of national minorities demonstrated by the City of Subotica/Szabadka, the complex and comprehensive task of launching the DMS could not have been achieved without financial contribution by the EU and the Council of Europe. Observing the general trend regarding the stagnation or sometimes even factual decrease of financial means allocated to the promotion of cultural and other activities of minorities in South Eastern Europe, additionally aggravated by the ongoing financial crisis, it can be concluded that the financial limitations make it more difficult to conduct demanding projects such as the introduction of the DMS. Therefore, it is important to secure sustainable financial capacity of diverse municipalities on national level in order for them to be able to implement innovative projects for the benefit of local minorities.
- ▶ **Improve the awareness of minority rights among the target group:** Setting up of the application and training of local self-government stakeholders is not the goal in itself. The interviews have shown that members of the minority communities have limited knowledge of laws, policies and strategies for promotion of their rights, and as a consequence they are not using the opportunity to communicate with the city administration in their mother tongue. Hence, in order to maximize the output of the DMS application in the future settings, an additional project component would have to take into account public outreach activities aiming to raise awareness of the minority rights.



Subotica Szabadka

Evaluation of Good Practices “the former Yugoslav Republic of Macedonia”

Through Traditional Cultural Values of the Communities
to Better Life for the Citizens of Staro Nagoričane

Staro Nagoričane

Theme covered: Cultural preservation

Affected minorities: Serb

Introduction

The local context: minorities and their community

Minority communities living in “the former Yugoslav Republic of Macedonia” often are underrepresented both in the political level and in public administration. The Albanian community has complained that they are underrepresented in both, while report from the Ombudsman²³⁴ and a recent report on the implementation of the Ohrid Framework agreement found that except for the Serb and Vlach community, all other minority communities are underrepresented, especially in managerial positions²³⁵. In addition, there have been numerous incidents in the past years between the ethnic Albanian community and the Macedonian community that have caused for increased tension in inter-ethnic relations. The Roma community is often discriminated, particularly for employment opportunities and access to health services.

Education in “the former Yugoslav Republic of Macedonia” is provided for minority communities in their own language. There is instruction in the Albanian, Serbian and Turkish language however there is no instruction in the Romani language. In addition, primary and secondary school pupils study separately as often the school shifts are separated by ethnicity, thus in a school where both Albanians

234 As referred to in the US Department of State Country Reports on Human Rights Practices for 2015. Report on Macedonia.

235 Ohrid Framework Agreement: Social Cohesion Review.

and Macedonians study, they go to school in two different shifts, providing little opportunity for the communities to interact with one another. The media, too, is divided, the national television provides news and shows in all minority languages, however private media is often mono lingual, there are only two national private televisions in both Albanian and Macedonian. Furthermore, the use of hate speech in media is also present and rarely punished.

Minority communities, which constitute less than 20% of the population, are often marginalized particularly in policy making. In order to monitor and promote the implementation of laws pertaining to these communities the state has set up the Agency for Community Rights Realization, which is still struggling with an inadequate mandate and budget as well as lack of support from relevant state institutions²³⁶.

Culture is one of the areas planned to be decentralized under the Ohrid Framework Agreement in 2001. The decentralization in the area of culture would serve the function of the fulfillment of the specific local needs of communities that differ in their ethnic and cultural identification. The Ministry of Culture and the central budget of "the former Yugoslav Republic of Macedonia" finance cultural endeavors and institutions which are considered as being state institutions. Whereas, for the activities and institutions which are considered as being of local character, finances are provided through bloc donations by the central budget of "the former Yugoslav Republic of Macedonia" for each municipality, as well as by modest support from local authorities, if there are available funds.

It must be noted that the state activities, which are financed by central institutions form the largest part of donations or financing of cultural activities, while the bloc donations, form the smaller part. Besides the limited resources for cultural projects, most of the funds go to urban municipalities. Smaller, rural, municipalities, which have not inherited cultural institutions favored by the central bodies, consequently have less or no funds. Municipalities such as Staro Nagoričane share the fate of the group of municipalities that receive very little funding from the central budget. Under these circumstances, external funding is an opportunity for these municipalities to start new activities.

Based on the Census conducted in 2002, the Macedonian population is made of 2,022,457 inhabitants, of which 724, 566 are communities other than the majority. The Serb community is the fourth largest community in the state level (35,939 inhabitants), and the second largest in the municipality of Staro Nagoričane with 926 members²³⁷ of the total of 4840 inhabitants. At the time of the census, there were 3906 Macedonians, 1 Roma inhabitant and 6 "other". The official languages are Macedonian and Serbian and these are also the languages of instruction in the local schools.

236 Ohrid Framework Agreement: Social Cohesion Review pg. 9.

237 State Statistics Agency, 2002 Census, <http://www.stat.gov.mk/Publikacii/knigaXIII.pdf>.

The project: responding to local needs

The project “Through Traditional Cultural Values of the Communities to Better Life for the Citizens of Staro Nagoričane” aimed at reviving the cultural traditions of the Serb community. The advancement of cultural values and traditions was attained through the teaching of traditional dances to children as well as the preparation of traditional clothes by locally trained women. The municipality of Staro Nagoričane is geographically dispersed, with 39 inhabited areas within the municipality, some quite small. This project was an opportunity to bring the citizens of the municipality together and feel part of a community.

The activities of this project succeeded in revitalizing the social and cultural life of Staro Nagoričane. Citizens of the municipality of all communities (Serb, Macedonian and Roma), as well as visitors from outside attended all the events where the children danced. The Mayor of the municipality enthusiastically expressed that “the project was a hit” during the interview for this study. Indeed, this had been the first project of its kind, as several of the interviewees pointed out. The project also ensured its sustainability by training participants and ensuring tools to enable the continuation of this project.

At the initial analysis of this project, two risks were foreseen, the dependence on the CSO for the project’s implementation and engaging the local communities²³⁸. The cooperation between the CSO and the Municipality grew with the implementation of the project, as there was a shared pride as well as responsibility of the project. Whereas the Serb community was not considered to be very organized, this project managed to bring activities which brought people together. The challenge of the project was with the low response for the open call for women to be trained in making traditional clothes, as only four women (the required number) applied, and they represented all three communities living in Staro Nagoričane, two were Serb, one Roma, and one Macedonian. However the high attendance of children in the dancing lessons shows the strong interest in the project and in preserving cultural values.

The participants of this project felt ownership in it as well as proud of their achievements. The children were happy with their learned skills and very enthusiastic about their achievements. The community more largely also felt part of the project, the parents were satisfied with the activity that their children participated in, while the women sewing the traditional clothes received frequent visitors from the municipality who would come and see the work they were doing. Indeed the women’s workshop was an interesting space to visit as there were many materials, the most interesting of which was the “razboj” or the wooden traditional weaving machine. The women themselves showed their work with pride. Furthermore, the trained women also developed a good relationship with the young dancers who they helped get ready for each of their performances thus creating a strong bond of cooperation and connection between the different parts of the project.

238 “Promoting Human Rights and Minority Protection in South East Europe”: Cross-country report of the first project assessment, pg. 57.

The activities: creating an inclusive space

Within the framework of this project, a professional instructor trained 96 children of the ages 5–14 in traditional dances. In order for the children to dance in traditional attire, four local women were trained in sewing, embroidering and threading traditional clothes. The trained women produced 500 pieces of clothing during the project representing three different regions thus presenting a variety of the tradition clothes of the Serb community. To ensure that the traditional clothes and other products of this project have a proper display and show that they indeed belong to the community, the municipality placed them all in the “Ethno House”, opened at the end of the project, which visitors can access.

Five concerts were held in different villages of the municipality as well as one in the municipality of Kumanovo. There was also a final exhibition where all the clothes, souvenirs and other products developed during the project were displayed. In addition, the municipality of Staro Nagoričane has gained a CSO with the establishment of the branch of “Srpski Vez” which helped in the implementation of this project. “Srpski Vez” is a cultural organization which aims to promote the Serb culture in Macedonia, and the branch was established in Staro Nagoričane to facilitate the implementation of the project. The organization will continue to have a branch in the municipality after the completion of the project.

Methodology

For this study sixteen persons were interviewed, of which two were municipality officials, one CSO member who had been included in the implementation of the project, the trainer of the women, the dance teacher, the principal of the school, one parent and nine members of the targeted minority. Of the sixteen respondents, eight were female and eight were male. All respondents were interviewed in person on a visit to Staro Nagoričane, while the supervising consultant was interviewed by e-mail. For the interviewed children verbal permission was obtained from the school principal. The task members and the members of the target minority were interviewed in person in the municipality of Staro Nagoričane. The assessment is also based on the visit in Staro Nagoričane in the month of May, 2016. As this project included different products such as clothes and blankets, the display at the Ethno House, it was important to see and evaluate these components as well.

Evaluation of the project

The project is successful as it revitalized and brought together the entire community through the concerts, the dancing and sewing lessons. It also inspired the municipality and the community to continue with this and other projects that would contribute towards the enrichment of the cultural and social life of the communities living in Staro Nagoričane. Lastly, the project contributed towards the empowerment of youth and women in this municipality.

Sustainability

This project is sustainable because there are many factors that enable its continuation even after the project grant is no longer available. The factors that make this project sustainable also make it a project worth implementing elsewhere as several of its elements can be self-sustaining. These factors include:

- ▶ Increasing the capacities and empowering local women

Four women were trained during the implementation of this project. Their new skills include weaving, sewing and embroidering. In addition to the skills they learned the women were empowered, as they felt proud of their accomplishment and eager to continue practicing their newly acquired skills. In addition, the project provided employment for them, as they were paid for their part-time work. The employment made it possible for these women to leave home and socialize for a couple of hours, in addition to gaining new skills.

On the visit to Staro Nagoričane, the women proudly showcased their work. Although, to their own admission, they had been hesitant at first, now the women felt confident that they could continue their practice. Their instructor and the municipal officials who had noticed their increasing confidence and discipline also noted this. Since the tools purchased for this project will remain in the workshop room after the end of the project, it is easier to continue the project. The implementers of the project are already exploring the options of making this activity sustainable. The trained women can open their own business and start to sell products in the future. Staro Nagoričane is a touristic municipality with notorious landmarks, thus the idea to make a small entrepreneurial business in the future is one that can be very successful.

- ▶ Preserving culture through the young generations

The project foresaw the training of 36 children, however 109 children showed up at the project's opening event, and 96 of these children remained in the group until the end of the project. As a result, of the 36 costumes that were initially planned by the project to be produced, by the end of the project 60 costumes were produced for the dancers. The high number of children who took part in this project is a clear indicator of the need for cultural activities. The children belonged to the Macedonian, Serbian and Roma communities and came from the different villages within the municipality of Staro Nagoričane. The dancing lessons were deemed as successful because they taught children more about cultural heritage, as well as discipline and the importance of working with a multi-ethnic team. In the Macedonian context this is important, as children often are not taught enough of the culture of other communities²³⁹. Through this project different traditional Serb dances and clothes of the different regions of Macedonia and Serbia were made thus giving appreciation to several cultures.

239 Ohrid Framework Agreement: Social Cohesion Review, pg. 7

The project also seems to have opened up alternatives for the children as several of them chose to attend music as well as other extra-curricular classes. Thus, the dancing courses did not provide only an extra-curricular activity but motivated participants to continue to be more active through other courses as well.

This activity can be sustainable as the municipality may decide to charge a symbolic registering fee for participants for the purpose of paying part or entirety of the salary of the instructor and facilitating the transport of children from other villages in the municipality.

- ▶ Increased involvement of community in the preservation of culture

Since this was the first time that such a project was implemented in the municipality of Staro Nagoričane, the communities were very involved and appreciative of the project. All events and concerts had great attendance in numbers. The parents of the children were very happy to accompany the children as well as attend the concerts.

The wider community also showed interest and support for the women in charge of making the traditional clothes. Citizens would often show up on the workshop and look at how the clothes are being made. Upon the visit there, the room was full with several people not directly involved in the project. One of the events that had left a deep mark on one of the project implementers was the euphoria of the community when it was announced that the project had been selected as a best practice example. This demonstrated the widely felt ownership as well as pride of the project. The involvement of the community, and their appreciation for the activities and results of the community further ensure the sustainability of the project, as it shows that they can be committed to continuing it further even when external finances are lacking.

Ownership

The municipality of Staro Nagoričane and the members of the targeted minority had a very strong ownership of the project and its outcomes. The project had left a very deep imprint in the municipality and due to this reason they were creatively searching for ways in which to make the components of the project sustainable financially. The municipality was already planning to allocate funds from its budget to the continuation of the dancing lessons.

Main replicable elements

The main replicable elements of this project, which can be implemented elsewhere include:

- ▶ Training and engagement of women

Local women can be trained in producing artisanal products. This can be the production of traditional clothes, particularly if it can be combined with the dancing lessons. However, women can be trained in other products as well, be it

pottery, traditional culinary recipes, or other aspects important to a given culture and community. Through the trainings, the women do not only acquire skills, they are also empowered as they are employed and develop financial independence. In addition, this activity has high potential for being sustainable and long lasting.

► Dancing lessons and concerts

The dancing lessons contributed greatly to the success of this project as they showcased not only the dances learned through concerts, but also the handwork of the trained women. Through regular classes, the children learned to dance different dances, to appreciate their culture and were motivated to continue to be active. Such activities are important for smaller communities where the opportunities for participation are limited. Through the dancing lessons the children were motivated and felt more engaged. The concerts served as an incentive for the children but also as events that included the whole community to participate. In addition, they provided an opportunity for the majority community to develop an appreciation for the minority community's culture and tradition.

► Ethno House or a public display of products

The Ethno House, which in Staro Nagoričane was located inside a one-roomed old house, was a display of the products of the project as well as other artisanal works that the municipality had. The Ethno House is a positive idea to be replicated as it creates a widespread ownership and appreciation of the project, as by displaying the products it sends the message that these products belong to the municipality as a whole and is there for the communities. Furthermore, it provides a tourist attraction that is sustainable because a public municipal building is used and a modest entry fee or a donation box can be placed in order to raise funds for the continuation of the project in the long term.

Benefits:

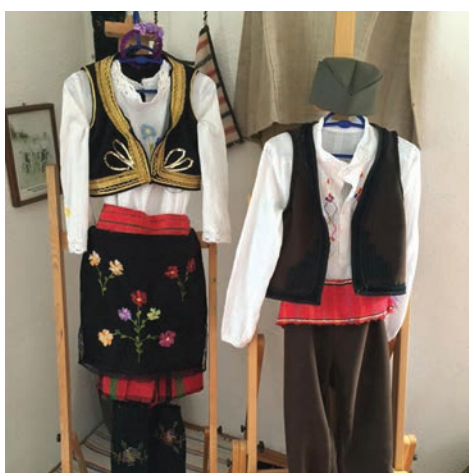
1. Brings minority and majority community together, especially in municipalities with remote and spread inhabited areas, strengthens inter-ethnic relations and intercultural dialogue
2. Contributes toward the empowerment of local women and thus to their participation in public, social and economic life
3. Contributes to the survival and maintenance of cultural traditions by younger generations
4. Revitalizes the local social and cultural life, including minority culture

Conclusion and recommendations

Cultural rights and activities are often left outside the realm of funding, as they are often not a priority. However, this project shows the effect that cultural events can have on the revitalization of a society. What particularly makes this project a success, is the fact that the cultural activation and development was attained

through the establishment of sustainable activities such as the founding of the local branch of NGO “ Srpski vez”, the training of women to produce traditional clothes and ornaments, and the dancing lessons and concerts for children. In order to ensure that this project is a success in the future and upholds and fulfills it’s potential, it is recommended that:

- ▶ **Empowerment of the women’s workshop to be an independent entity.** The women’s workshop has the potential and necessary elements to become an entrepreneurial endeavor. By making the workshop independent as an entrepreneurial start up, the women engaged would become self-sufficient, furthermore they would develop more skills such as managing a business. The trained women can train other women as well and enlarge the business. However considering that the tools used belong to the project, the workshop can continue to service the local dance company by not only creating clothes, but mending them when necessary as well.
- ▶ **State institutions’ support.** Considering the positive effect of this project, state institutions such as the Ministry of Culture, should consider contributing towards the financial sustainability of such projects as they have public benefits. These benefits are not only those of the local community but the fact that this project contributes towards the obligations of the state towards the FCNM as well as towards the enrichment of the municipality with diverse tourist attractions. In the case of Staro Nagoričane, the municipality has several landmarks within its borders, thus the potential for the growth of tourism is present as tourists come for the landmarks the project can also benefit.



Staro Nagoričane

Evaluation of Good Practices in Kosovo*

Non-Majority Communities in Decision Making

Vushtrri/Vučitrn

Theme covered: Participation in public sphere

Affected minorities: Serb, Turkish, Roma, Ashkali

Introduction

The local context: minorities and their community

The protection and promotion of minority rights in Kosovo* is ensured through several laws, strategies and institutions. At the state level, the Ministry for Communities and Returns has developed the five-year Strategy for Communities and Returns 2015– 2020 to regulate the issue of returnees in Kosovo* as well as to address the needs of non-majority communities. However, at the municipal level the strategy developed and approved by the Municipality of Vushtrri/Vučitrn is the only one in Kosovo*.

The main issues of non-majority communities²⁴⁰ in Kosovo* are unemployment²⁴¹, education and freedom of movement. While Kosovo* has a high level of unemployment among its entire population, non-majority communities are often more marginalized in the job market, particularly members of the Roma, Ashkali and Egyptian communities, who have difficulty finding jobs due to their level of education and prejudice by the majority. The Serb community also has difficulties accessing the job market due to the non-recognition of diplomas from the Serb system or universities²⁴².

The non-majority communities living in Vushtrri/Vučitrn also suffer from unemployment as well as limited access to services (health and education). Vushtrri/Vučitrn is a municipality of 67 villages, many of which are quite far

240 The minority communities in Kosovo* are legally referred to as non-majority communities.

241 See reports by UNDP Public Pulse Report 6; and Kosovo Mosaic.

242 Fourth Community Rights Assessment Report, issued by the OSCE Mission in Kosovo (2015), pg. 19.

and secluded. Non-majority communities, particularly the Serb and the Roma communities often live in areas further away from the main services, which leads towards problems in accessing them. In addition, there are little opportunities of interaction between the different communities in the municipality.

Based on the 2011 Population Census in Kosovo*,²⁴³ the Serb community makes up 1.5% of the population,²⁴⁴ the Turkish community constitutes 1.1%, while the Roma, Ashkali and Egyptian communities constitute 0.5%, 0.9% and 0.7% respectively. Other communities include the Bosniak (1.6%), the Gorani (0.6%) and other (0.1).²⁴⁵ In the municipality of Vushtrri/Vučitrn has 69,870 inhabitants where Albanians constitute the majority with a population of 68,840. The Serb community is the second largest community with 384 inhabitants, while the Turkish community is third with 278 inhabitants. The Roma community has 68 members while the Ashkali community has 143, while there is only one registered inhabitants of the Egyptian community and 33 members of the Bosniak community.

The project: responding to local needs

The project “Non-majority communities in decision making” was developed in order to advance the capacities of non-majority communities, civil society and the municipality in order to draft and approve the Municipal Strategy for the Integration of Non-Majority Communities 2016–2020. In addition this project had a more direct investment in society through the purchase of sports equipment, which were distributed to the different communities living in the municipality of Vushtrri/Vučitrn. Although the purchase and distribution of sports equipment to youth belonging to different minority communities is not directly connected to the main goal of the project to advance the role of non majority communities in decision-making, it was nevertheless integrated into the project in order to provide a more tangible outcome to the project in which the larger community could partake. It also will help to integrate people from different communities with each other through sport activities.

„This project has made the communities feel like they and their needs matter.”

243 Population according to ethnicity and gender, Census 2011, Kosovo Agency of Statistics <http://ask.rks-gov.net/sq/rekos2011>.

244 The low percentage of the Serb community came as a result of the boycott of the Census by the Serb community. For more see: <http://www.infoecmi.eu/index.php/ecmi-minority-figures-in-kosovo-census-to-be-used-with-reservations/>. The Kosovo Agency for Statistics later published an estimation of the Serb population for the northern Serb municipalities in Kosovo*, for these results please see: Estimation of Kosovo population 2011, published in February 2013.

245 The Montenegrin community in Kosovo* was counted under the “other” category in the census.

The respondents interviewed for the study considered the project important because it had made the non-majority communities in Vushtrri/Vučitrn feel that the issues that concern them are taken seriously by the municipality. As one respondent, a municipal official and community representative, stated, "This project has made the communities feel like they and their needs matter." One of the members of the targeted minorities noted that this was the first time they had attended any activities having to do with non-majority communities and that they were satisfied with the activities related to the development of the Strategy. The sports equipment was also received well by the communities in Vushtrri/Vučitrn. Although the development of the Strategy and the document itself took a longer period of time to be completed, and will take even longer to get implemented and produce results, the sports equipment was seen as a direct activity in which a larger part of the non-majority communities would participate and direct results seen.

In the first cross country report conducted within the frame of the JP EU/CoE "Promoting Human Rights and Minority Protection in South East Europe",²⁴⁶ wherein the projects were assessed prior to implementation, the potential risks foreseen were the low expectations of success, the low level of organization of non-majority communities and the lack of channels of communication with the municipality.²⁴⁷ These risks have been overcome by this project to a great extent, which adds to the potential of this project's sustainability. While at the outset the project had low expectations, during the interviews for this study all respondents were optimistic and enthusiastic about the success of the project and believed strongly that the Municipal Strategy for the Integration of Non-Majority Communities 2016–2020 would be implemented successfully, for two reasons: 1) the invested work of the municipal officials during its development made the respondents believe that they would also continue implementing the Strategy; 2) the support of the Mayor of the Municipality of Vushtrri/Vučitrn led the respondents to believe that they would not have obstacles in the implementation of the Strategy in the future.

The project also aided in advancing the organization of non-majority communities within the municipality and their awareness of their rights. Through the different activities, such as workshops and public meetings with the community, the representatives of the non-majority communities were acquainted with their rights as well as with the national and local institutions and mechanisms which ensure their rights. In addition, these activities served to establish better communication between the communities, the municipality and the local CSOs. The public meetings between the municipality and community representatives were an opportunity for the non-majority communities to articulate their needs, as well as for the municipality to get acquainted with these. By the participation

246 See "Promoting Human Rights and Minority Protection in South East Europe": Cross-country report of the first project assessment

247 "Promoting Human Rights and Minority Protection in South East Europe": Cross-country report of the first project assessment, page 51

of two of the municipal officials, the public meetings acquainted them with the situation of non-majority communities. As one of the municipal officials noted, “before the public meeting, I was not aware of the education system of the Serb community in our municipality” referring to the parallel system of education in place in Kosovo*. Thus, the project helped in advancing the organization of non-majority communities as well as in building of new channels of communication between the municipality and the communities.

The activities: creating an inclusive space

The main result of this project was the development and the approval of the Strategy for the integration of non-majority communities 2016–2020. A newly formed Commission consisting of five municipal officers, of whom one belonged to the Turkish community, and two CSO representatives one of whom one belonged to the Serb community, wrote the Strategy that was approved by the Assembly on November 2015.

In order to start the drafting of the Strategy, one public consultation on the role and importance of the municipal strategy for the integration of non-majority communities was held at the outset. Three additional public consultations were held in different areas of the municipality after the Strategy was drafted in order to get insights from all stakeholders, including CSOs and other public institutions. These meetings served to establish the priority areas which are important for minority communities including: education, access to health, the use of languages, and the participation of communities in decision making.

In order to prepare the participants for drafting the Strategy, as well as understanding its importance and the issues facing non-majority communities, two workshops were conducted. The three-day training/workshop in Durres, Albania with the topic “Enhancing the participation of non-majority communities in decision making processes” gathered all the relevant stakeholders and included debates on the situation of non-majority communities in Vushtrri/Vučitrn. The second workshop was held with the purpose of finalizing the strategy and the main themes therein with the municipal officials as well as community representatives. There was one round table on “Democratic institutions and integration” in order to better acquaint the stakeholders on the importance of minority and human rights as well as the relevant institutions that ensure these rights.

Through the project, sports equipment was purchased and distributed to the different communities living in Vushtrri/Vučitrn. In addition, the project acquired notebooks for children in need belonging to vulnerable communities. These activities constituted the more tangible aspects of the project which involved the wider community and had immediate effect, as opposed to the Strategy which will take longer to implement.

Methodology

For this analysis, eleven persons were interviewed, of whom, five were municipal employees and task force members, one was a CSO representative and also a member of the task force, and four were members of the targeted minorities, and one was the supervisor. Two of the respondents were female, while nine were male²⁴⁸. The task force members and some of the members of the targeted minorities were interviewed in person in the municipality of Vushtrri/Vučitrn, three members of the targeted minorities were interviewed by phone, while the CoE consultant in charge of supervising the project was interviewed by e-mail.

Evaluation of the project

The project on “Non-majority communities in decision making” advanced the rights awareness among minority representatives and the capacities as well as the understanding of municipal workers on issues related to the non-majority communities in their municipality. It also built new channels of communication between the municipality and its community. The Municipal Strategy on the Integration of Non-Majority Communities presents a long lasting document which aims to protect and promote the rights of minority communities in Vushtrri/Vučitrn.

Sustainability

The project on “Non-majority communities in decision making” has one component that is sustainable in the long term, the Municipal Strategy on the Integration of Non-Majority Communities. There are several factors that make this component sustainable.

- ▶ Increased capacities of key actors

The project conducted two workshops and several other activities involving all relevant stakeholders including representatives the Serb, Turkish, Roma and Ashkali communities, the local CSOs and members of the Municipal Assembly. The community representatives included teachers, activists and citizens belonging to non-majority communities who have been active within the municipality in voicing the concerns of their respective communities. Initially the project held a workshop on how to draft and write a strategy and the importance of having such a document. The inclusive approach ensured that all relevant actors were able to give input, draft, approve and participate in implementing the strategy. This is important because it allowed for everyone to be informed why this strategy is

²⁴⁸ For the purposes of safeguarding anonymity, the gender of the respondents will not be specified when citing statements made by them.

important and how to write and rationalize it. According to five members of the task force interviewed, this training was crucial in informing them of the process of writing a strategy. One of the task force members noted that it was important to include the members of the Municipal Assembly from the early stages in order to ensure that they were informed about the Strategy in order to support and approve it in the Assembly. This set the right tone not only for the approval of the Strategy but also for the inclusion of the main bodies which will have to implement it in the future, ensuring the sustainability and effectiveness of the Strategy. The community representatives present at the workshop, meetings and the development of the strategy stated that the workshops had allowed them to learn more about their rights while the meetings had enabled them to voice directly the concerns of their communities in the municipality. One of the community representatives of the Serb community noted that they had helped in the development of the Strategy and in setting the priority areas. Through the different activities the non-majority communities had different opportunities to provide a realistic depiction of the situation of their communities to the municipal officials.

- ▶ Improved relations within the municipality

The municipal officials improved and built on their trust towards each other. During the interviews it was evident that the municipal officials trusted the capabilities of their peers as well as shared a belief that the Strategy would be implemented. In addition, all municipal officials were enthusiastic about their work in drafting the Strategy document and at the prospect of implementing it in the future. Some municipal officials had already begun lobbying with external donors for finances to ensure the implementation of the Strategy.

- ▶ Increased inclusion of local civil society organisations

CSOs were integral part of the implementation of this project, not only were they included in the different activities implemented by the project, they were also crucial in drafting the Strategy. The CSO Today Tomorrow Forever, an organization which works with non-majority communities, but not exclusively, had the role of fact finding while drafting the Strategy, providing all the necessary information to the municipal officials in charge of drafting it. Furthermore, the involvement of CSOs facilitated the communication between non-majority communities and the municipality as CSOs have a closer and more non-formal approach with the communities.

- ▶ Improved community outreach

The municipality of Vushtrri/Vučitrn held four public meetings with representatives of non-majority communities in order to discuss their problems and the issues that are important to each community. The meetings were a good opportunity for the non-majority communities to articulate and voice their concerns, as well as an

opportunity for the municipality to learn of these concerns. Two representatives of non-majority communities in these public meetings noted that the meetings had been helpful for them to network with other members as well as to voice their concerns. The municipality officials also considered these meetings as beneficial as they noted that they had gained more knowledge on the issues that concern the non-majority communities.

Ownership

The municipal officials displayed strong ownership of the Strategy. All the municipal officials interviewed mentioned the support of the Mayor of the Municipality in the implementation of the project and of the Strategy. The inclusion of municipal officials in the trainings and the preparation of the strategy, as well as the involvement of the members of the Municipal Assembly in the trainings early on in the project allowed for a widespread support and ownership of the project and most importantly of the Strategy. The strong ownership felt

Important issues to consider:

- **Political will and support:** as this is a Strategy which is a document of the Municipality it is important that political will and support is present, this can be ensured through strong ownership and accountability.
- **Monitoring:** without monitoring mechanisms, accountability and follow up can be seriously hindered.

by the municipality is further attested by their lobbying for additional finances for the implementation of the Strategy. While the political support of the mayor and the members of the Municipal Assembly, municipality staff as well as civil society support for this strategy is strong, the community is less engaged, except for community representatives. Herein the sport equipment, although not correlated to the Strategy, proved beneficial. As this activity was more tangible and immediate, it succeeded in including a larger portion of the community as well as in creating an atmosphere of trust, and appreciation.

Main replicable elements

The main replicable elements of this project, which can be implemented elsewhere include:

- ▶ Strategy on non-majority communities:

Creating a strategy on non-majority communities at the local level is a positive endeavor which can be very beneficial to addressing the needs of local communities. While Kosovo* has a national strategy, a local strategy is more adept to addressing issues as they are directly focused on local needs, whereas national strategies might bear more general directions or focus on issues which might not be related to the local context of a given municipality. The

inclusion of municipal officers and representatives of CSOs and non-majority communities in the drafting of the Strategy is a positive practice as it increases ownership as well as the likelihood of implementation since the document is well understood by the persons responsible of implementing it. Even though one of the respondents noted that an external expert for drafting the strategy would have been better, it is precisely the close involvement of local actors which increases the likelihood of implementation. While an external advisor or consultant may be engaged, the municipal officials must be integral in the drafting of the Strategy.

► Workshops for relevant stakeholders

The workshops are a good practice as they involve all relevant stakeholders (municipal officers, non-majority community representatives, members of the Municipal Assembly, CSOs) needed for the conceptualization, drafting, finalization and approval and implementation of the Strategy. Preparing the relevant stakeholders and informing them from the beginning of the project and the Strategy increases the effectiveness of the drafting stage as all stakeholders share the same information and knowledge. Workshops at the beginning, middle, and the end of the drafting stage of the Strategy are also recommendable as they enable the inclusion of stakeholders at two of the important stages of drafting. The first workshop can serve to gain information on both how to draft a strategy but also on the issues and components that should to be included in it based on local needs. The final workshop can serve to approve the strategy and discuss it between the municipal officials, community representatives, and CSOs before it is presented to the local or where applicable the national institutions.

► Public meetings with non-majority community

The public meetings served to include the wider non-majority communities into the discussion. This ensures that the Strategy is based on and reflects the local needs. The inclusion of the non-majority communities through the public meetings is important as it makes these communities, which are often marginalized, become part of the project as well as part of the solution to their issues, it gives them some agency within the municipality which is imperative. In addition these public meetings served to exchange ideas as well as to increase the information of the municipal officials on the problems that the non-majority communities have within the municipality. The number of the public meetings can vary but it is important that the meetings are held with the different non-majority communities together as well as have balanced gender representation. It is also a good practice to have these public meetings in different locations, as was done in Vushtrri/Vučitrn, in order to ensure that more people attend. Transport can be a problem especially for economically vulnerable groups, thus bringing the meeting closer to these communities is important.

Benefits:

1. Advanced municipal capacities
2. Inclusion of different actors in community affairs
3. Articulation of the needs of non-majority communities
4. Increased ownership of municipal officials
5. Long lasting document and solutions

Conclusion and recommendations

This project, through its workshops and the drafting of the Strategy itself, advanced the capacities of the municipal officials as well as the capacities and organization of the non-majority communities within the municipality, which are all indicators that can ensure the sustainability of this project. Furthermore, the inclusion of the different actors in community affairs within the municipality in every stage of the project, ensured the increased ownership of all these actors in finding solutions to the issues important to non-majority communities. Particularly, the engaged role of the municipal officials in both implementing the project and in drafting the Strategy lead to increased ownership of these officials making them feel more invested in the future implementation of the Strategy and increased confidence that they are the right persons to advance its main goals. Lastly, the Municipal Strategy for the Integration of Non-Majority Communities 2016–2020 is a long lasting document with long lasting solutions, and the strong ownership and increased capacities of the municipal officials and the non-majority communities will act as safeguards and guarantors to its implementation.

In order to ensure the sustainability and continued success of such projects, the following recommendations are made:

- ▶ **Inclusion of municipality and of minority community.** The municipality is the main carrier of the Strategy considering that it is an official document which is approved by the Municipal Assembly and it is the main body in charge of its implementation. The non-majority communities have to be included in the process of implementation not only in accessing benefits but also in finding solutions. This can be organized through public meetings and the involvement of minority representatives in the drafting of the Strategy itself. In this manner the enthusiasm and the expectations of the Strategy would not subside quickly and it would provide constant soft pressure on the Municipality to continue implementation.
- ▶ **Monitoring mechanisms.** One respondent was skeptical about the implementation of the project due to the lack of a monitoring mechanism. Indeed, in order to ensure the implementation of the

Strategy, as well as assess its effect, it is advisable to develop a monitoring mechanism, either within the municipality or by requesting help from local or external CSOs or independent experts.

- ▶ **Accountability.** The inclusion of the municipality and of the community as well as the development of monitoring mechanisms will ultimately foster accountability. The municipality will be accountable to the citizens of Vushtrri/Vučitrn if the progress of the implementation of the Strategy is clearly specified and the communities participate in enabling its success.



Vushtrri
Vuçitër

III. Recommendations

The goal of the present publication was to analyze in depth the practical implementation of projects for the protection of national minorities on local level in seven South East European countries with the aim of drawing generalizable conclusions and of finding replicable elements. In the following, this study sets out to provide the reader with recommendations for future efforts to improve the promotion of minority rights in the local context in the following areas of minority rights protection: culture, education, use of language, and political participation. These are rounded up with a set of general recommendations.

Minority culture

- ▶ **Encourage entrepreneurial efforts for the preservation of culture.** The project implemented in Staro Nagoričane shows entrepreneurship as an avenue for advancing the cultural rights of minorities. States that have minority communities need to encourage and stimulate entrepreneurial efforts which aim to protect a given culture. In the municipality of Staro Nagoričane, the women's sewing workshop, and the dancing lessons, are both sustainable activities. They require investment and support until they become financially stable. It is a good practice to implement not only because it is self-sustaining and advances cultural rights, but it also employs minority communities and includes the wider society.

Linguistic rights

- ▶ **Improve the awareness of linguistic rights.** As confirmed in this study in the cases of Subotica/Szabadka and Pula/Pola, minority languages remain infrequently used in the public sphere due to the authorities' low level of understanding and/or acceptance of the use of minority languages. Hence, minority members still prefer to address the authorities in the state language to avoid problems, misunderstandings and bureaucratic delays. This trend is additionally strengthened by the dominant position of the state language in education, media and the labor market. Therefore, authorities should be more proactive in raising the awareness on language rights of both minority and majority populations, as well as within the state administration. Minority and mainstream media can play a crucial role in this regard.

- ▶ **Set up language knowledge as an employment requirement.** In order to secure the use of minority language in public sphere in those local self-governments where two or more languages are in official use, linguistic requirement should be set for public administration positions that involve communication and delivering services to the public. In addition, all other public administration employees should be offered and encouraged to participate in minority language courses. The authorities could take into consideration the possibility of offering additional financial or social benefits to civil servants who achieve a high level of proficiency in a minority language by passing an accredited test. As seen in the case of the City of Pula/Pola, language courses could be organized in collaboration with local minority organizations.
- ▶ **State should take proactive role in guaranteeing linguistic diversity.** States should make available bilingual forms to be used in relations with public administration and should support the establishment and development of resources of administrative and technical terminology in the main minority languages. This includes the use of signs in minority languages even when not required by law. Thus, informal practices of multilingual signs can signal the recognition of minorities, provide them with better identification with the local authorities and also signal to majorities the inclusion of minorities.

Right to Education

- ▶ **Increase support for educational assistants through the added role of mediator:** The roles of educational assistant and mediator are worth replicating as they can aid in the development of a sustainable and efficient system to help minority students advance in the education system. Mediators and educational assistants should go in conjunction, as their different roles complement each other. While the role of mediator is to contribute towards the building of relationships between students belonging to the majority and the minority community students, between the school and the parents, and possibly between the municipality and the parents, the role of educational assistant should be tailored to assist children in school, to facilitate and organize their extra-curricular classes and update the database and records. Both, mediator and educational assistant should be employed on long-term contracts, as the trust built between them and the members of the minority community is of utmost importance for the success of their activities.
- ▶ **Establish community offices within the schools:** In addition to the creation of the roles of mediator and educational assistants, national or municipal bodies should contemplate the establishment of community offices, such as the Info Spot in Tivat, within schools. By having an office, the communities had a direct address to voice their concerns. It was useful for teachers as well, as they had a point of reference in

case there was an issue with any minority student. In addition to being convenient for parents, teachers and for children who did not have to travel elsewhere for extra-curricular classes, or go to an external office and thus risk missing classes, the office was important in giving the role of mediator and educational assistants more legitimacy, as they were operating within the confines of the school. Lastly, the office contributes towards building ownership and a sense of belonging. The minority students and their parents felt that the office was theirs, which added to their feeling safe within the school building which is important, especially for communities which are excluded and marginalised.

- ▶ **Develop extracurricular classes for students lagging behind:** The extracurricular classes in Tivat contributed greatly towards the success of minority students. Such courses should be developed by the ministries of education, particularly in cases where there is a language impediment as in Tivat. The courses helped students' progress and to also feel confident in their classes, in addition, it reduced the likelihood of drop-outs which can be caused by frustration due to lack of understanding of the materials in class. In addition, a peer-tutoring system can also be enabled, whereby older students from both the majority and the minority communities tutor minority students that are having difficulties in class. Student tutors could receive scholarships or incentives, such as books or school equipment, to teach students. This would contribute towards better integration and communication between students. Activities that involved both students belonging to minority and majority communities were perceived very positively in Tivat, as they were crucial to overcoming prejudice, thus activities that bring students together after or beside regular classes, should be encouraged.

Effective participation in public life

- ▶ **Creation of Civil Committees or other kinds of advisory/consultative bodies at the municipal level.** One of the problems encountered across several of the municipalities was the low level of organisation of minority communities. The low level of organisation also leads to failure to articulate the needs of these communities in front of local or national institutions. Civil Committees, such as the one established in Përmet, can help towards strengthening the capacities of local community representative and towards increased inclusion in decision making. As an alternative, the municipality can also engage with the community through meetings, such as the ones held in Vushtrri/Vučitrn for the strategy, or town-hall gatherings in order to ensure that the communities are included in brining decisions or developing policies that concern them.
- ▶ **Increase the capacities of community representatives.** It is important that community representatives, whether they are formal political representatives, or informal representatives such as elders or locally

respected figures, have the capacities to recognize the rights of communities and know the mechanisms of redress. Përmet and Vushtrri/Vučitrn worked extensively in building these capacities through trainings on human and minority rights instruments and mechanisms, regional, national and local. This contributed towards the implementation of the respective projects as community representatives became more involved in decision making, but also built the foundation for better organisation of minority communities at the local level.

Policy making

- ▶ **Development of local strategies for the implementation of minority rights.** National strategies often tend to prioritise one group or one issue over the other, thus not targeting issues faced by certain communities in the local level. For this reason, locally developed strategies would contribute towards more targeted policy making, particularly in countries with a decentralized public administration. The strategy developed by Vushtrri/Vučitrn provides a positive example as it reflected the opinions and experiences of local communities. In addition, the strategy was developed by municipal officials and community representatives, thus creating shared ownership of the document which increases the demand for its implementation, as well as the likelihood of its success.
- ▶ **Development and maintenance of databases to improve policy and planning.** As noted in the introduction, there is often a lack of official up to date statistics on the number of minorities in a given municipality. For this reason, it should be encouraged that municipalities develop their own databases based on their need or areas of interest. Tivat developed a database specifically for the number of current and potential students in the municipality. This was done through consulting official records as well as through field visits. This database can help in the development of courses and policies in the future. Përmet also developed a database to track the socio-economic needs of the Egyptian communities, particularly evaluating their housing conditions and the need for windows. This is also an efficient use of database, as a municipality can categorize the needs of communities and households in order to allocate funds accordingly.

General recommendations

- ▶ **Improve financial capacity.** Even when there is strong political will to improve the protection of national minorities on the local and regional level, stakeholders face great difficulties with regard to available financial resources for often costly expenses connected with their efforts, as seen in the City of Subotica/Szabadka and the City of Pula/Pola. Observing the general trend regarding the stagnation or sometimes even factual decrease of financial means allocated to the promotion of minority rights in South East Europe, additionally aggravated by the ongoing

global financial crisis, it must be concluded that greater level of fiscal decentralization is needed when it comes to local and regional efforts for promotion of minority rights. In other words, it is important to secure sustainable financial capacity of diverse municipalities, which often have greater financial needs than ones with few or no minorities as the implementation of minority rights is not cost neutral. Finally, international donors should demonstrate greater commitment towards projects fostering minority rights on local and regional level.

- ▶ **Secure support of the majority population.** The effective implementation of projects on promoting minority rights is conditioned by support of the majority population for such measures and the political will of the elected representatives. In this regard it is necessary to secure wider support for such actions by the majority population. This can be done via outreach activities such as public debates, media activity, brochures, leaflets, and even door-to-door campaign particularly in smaller self-government units, but also by devising projects which also benefit the majority community, creating a win-win situation. For example, in local self-governments where a DMS is still not introduced, it can immediately be offered also in one or more minority languages, depending on the number of minority community members who live there.
- ▶ **Include minority community in efforts to promote minority rights.** Formulation and implementation of policies promoting minority rights on local and regional level should take into account needs of the minority community. It is therefore important that the minority organizations and minority members are involved in projects aiming to improve the position of minority rights from the initial phase in order ensure that the actions undertaken by the local self-government reflect the needs of the community and are understood by it. In order to secure the support for minority rights protection projects design, it is crucial to create multi-stakeholder taskforces already in the initial phase of project development.

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Appendices

Annex I – Methodology

The assessment of best practices is based on study visits to the preselected local self-governments undertaken by the CSEES team between May and July, 2016. During the study visits a total of 53 respondents were interviewed with regard to their opinion on the main outcome, sustainability and replicable elements of the undertaken projects. The interviewees belonged to two categories, the first were the persons involved with the implementation of the project including municipality officials and CSOs, the second category included the members of the targeted minorities of the project. Out of 53 respondents, 19 were local self-government stakeholders, 11 minority community members and CSOs involved in the project implementation, and 23 members of the targeted minorities not involved in project implementation. A separate questionnaire was developed for the persons involved in the implementation of the project and one for the members of the targeted minorities of the project. In cases where there was need for more information, the research team also interviewed the consultants engaged by the CoE to supervise the projects' implementation.

The chapters and case studies were written separately by members of the CSEES team and were reviewed by all. The chapter on the Framework on Minority Protection in South Eastern Europe was written by Emma Lantschner. The evaluation of the good practices in Albania, Kosovo, Macedonia and Montenegro was written by Lura Pollozhani, while the case studies in Bosnia and Herzegovina, Croatia and Serbia were written by Marko Kmezic. Florian Bieber supervised and evaluated the final results and provided quality control.

Annex II – Questionnaire for Task Force members and CSOs (not targeted minorities)

1. Explain the project, the main objectives and activities, and the main beneficiaries?
2. Who was most closely involved in the implementation of the project?
3. Was everyone involved in the project well aware of their duties and responsibilities, and up to task?
4. How did you implement your activities? *(This questions refers to the methods of the project, might be relevant for some of the projects which methods they used, whether they were appropriate in the given context. The question can be adapted to the project, in order to draw on methods which can be replicable in the future, for ex. Inclusion of community and NGOs etc.)*
5. In your estimation, how do you evaluate the cooperation between the different groups (municipality, NGO, community)?
6. How was the community (both minority and larger) included in the implementation of the project?
7. Did you have any problems implementing the project? What were the problems and how did you solve them?
8. Did you have human or financial problems?
9. (If there is a training component) How many people were trained by this project? What was their view of the training and their usefulness? Are they still involved in the project either in activities or other way? Will they carry on with activities after the end of the project?
10. What did you like about the project broadly and what did you like about your role in the project? Any interesting story to share?
11. How would you continue this project? Which components would you invest most in, where would you look for funding?
12. What would you change about the implementation of this project?
13. Which activity was most interesting to the minority community and larger community? Why?
14. Was the community and the municipality (community and institutions) supportive of this project? Which most supportive, which less?
15. What is an innovative activity or result in your project?
16. Has the municipality learned any lessons from the project, has it changed its behaviour in relation to the communities?
17. Has the project improved the communication between the municipality and the community? Has it opened any new channels of communication?

18. To what extent is the continuation of this project dependent on the political will of the local or state authorities? *(The intention here is to assess whether the activities are only dependent on strong political will, which is a problem considering the fact that mayors may not get re-elected and be less willing to support the project, unless there is widespread ownership of the project among the community and municipality officials to maintain the projects objectives afterwards.)*
19. Do you consider your project successful when taking into account the statement that "This project has improved the lives of the communities living in my municipality"? Why yes/no?
20. Do you think the project could be replicated in other municipalities with minority communities? Which conditions would have to be in place to enable this?

Annex III – Questions for members of the target minority

1. How did you participate in this project? (in what way was the member of the targeted minority helped: training, workshops etc)
2. Did this project have a positive or negative effect on your life? How?
3. In your opinion, did this project contribute to improving the life of your community in the municipality?
4. Would you attend similar activities in the future?
5. What specifically did you like about the project?
6. Did the project increase your level of trust and communication with your municipality?
7. According to you, what problems of the community did the project target?
8. Has the project caused you to change your behaviour or beliefs in comparison to before?
9. Any additional comments?

<http://pjp-eu.coe.int/en/web/minority-rights>
<https://www.facebook.com/minority.protection>

ENG

www.coe.int

Regional Joint Project EU/CoE "Promoting Human Rights and Minority Protection in South East Europe" is designed to break down barriers for minorities so that they can fully enjoy their rights. The project builds on the fact that the experiences and challenges felt at the local level, including what limited resources are concerned, may be very similar in the Beneficiaries and that practical measures taken successfully in one municipality to increase cohesion and access to rights may well also be useful to others. The project components are all designed to change the situation for individuals on the ground in a targeted and coherent manner, based upon European standards and in particular the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML).



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