

RECOMMENDATIONS FROM THE POLICY MEETING

Name of the consultant	Goran Bašić
Place and date of the meeting	Subotica, 2 September, 2016
Title of the “Open Days”	Trilingvism – The Second Part
Results from the meeting	<p>1. <i>Please indicate which topic/topics was/were discussed during the meeting: culture, media, education, effective participation in political life, official use of languages and script...</i></p> <ul style="list-style-type: none"> - Culture (protection of cultural identity of national minorities) - Official use of languages of national minorities - Improvement of interethnic understanding and tolerance <p>2. <i>How could the small project result make a difference, help solve the problem, or improve the situation in beneficiary?</i></p> <p>The project “Promoting HR and protection of national minorities” has drawn attention to the key issue of the implementation of minority rights in Serbia. Namely, despite the developed normative basis for the protection of minority rights, the direct jurisdiction and responsibility of local self-governments have not been regulated. The project pointed out the possibilities for the realization of the national minority rights. Also, the role of the civil society role in the process has been pointed out as well as the importance and specificity of governance in multi-ethnic environments.</p> <p>3. <i>What are the short-term and long-term implications of the results?</i></p> <p>Short term implications include: establishment of conditions for the realization of activities in the area of culture, official use of language, youth assembly, etc. In two local self-governments (Bosilegrad and Bujanovac) human rights houses were founded, in two (Subotica and Pancevo) a system of local governments communication with the citizens in minority languages was established, in Novi Pazar the infrastructure was developed for the work of the city folklore club, and the decisions were made for the development of cultural policy based on the protection of the cultural heritage of the Bosniaks. Finally, in Petrovac na Mlavi a sustainable system of improving the cultural identity of Vlachs and protection of their heritage was established.</p>

	<p>Long-term results of the project:</p> <ol style="list-style-type: none"> 1. The importance of the local governments for direct implementation of minority rights has been pointed out. 2. A model of direct inclusion of local self-governments in decision-making with regard to rights protection and preservation of minority cultural identity has been established. 3. Basic infrastructure for the improvement of protection and preservation of cultural and linguistic identity of national minorities has been established. <p>4. <i>How do the results relate to other municipalities in the beneficiary/region?</i></p> <ol style="list-style-type: none"> 1. Certain municipalities have established direct cooperation with regard to experience exchange in the area of minority protection; 2. Direct connections between local and minority self-governments have been established 3. The system of initiating the accreditation of intangible cultural heritage to the UNESCO list has been determined for the national minorities 4. Document Management Software has been established in the languages of national minorities, that is implementable in all local self-governments.
<p>Compliance of the Small Project Results with the last findings of the FCNM</p>	<ol style="list-style-type: none"> 1. <i>Which Article(s) of the FCNM relates to the main Project findings?</i> <ol style="list-style-type: none"> 1. Article 5 – Protection of cultural identity 2. Article 6 – Encourage intercultural dialogue and tolerance 3. Article 10 – Official use of languages of national minorities 2. <i>Please indicate the relation between the Project’s findings and the last Advisory Committee Opinion and the Committee of Experts Resolution.</i> <p>In its Third Opinion on Serbia, FCNM has directly referred only to Article 10 with regard to the official use of minority languages: “ensure that the legal provisions governing the use of minority languages in 112 The recommendations below are listed in the order of the corresponding articles of the Framework Convention. 55 ACFC/OP/III(2013)006 contacts with authorities at local level are fully implemented and promote the recruitment of civil servants at local level who are proficient in the relevant minority languages; intensify efforts to ensure the full and proper application of the rules currently applicable to registering names in minority languages and as regards the display of topographical indications in minority languages;”</p>

	<p>With regard to Article 5 (culture), the Committee in its Third Opinion concentrated on financing the activities in regard to the protection of national minorities culture. To that regard, shortcomings were stressed in the model of central financing of national minorities culture and recommendations were made for the State Fund for national minorities to be urgently established.</p> <p>The project results point out that it is very important to include regional and local authorities in the implementation of the spirit and provisions of Article 5 FCNM. Realization of the project activities reveals the preparedness of the local self-governments to carry the responsibility, adopt adequate decisions in regard to the protection of culture of the national minorities (Novi Pazar, Bujanovac and Petrovac na Mlavi). Project results reveal a pluralism of possibility with regard to the protection of minority culture and are a good model of decentralization of governance over the protection of culture and cultural heritage of minorities.</p> <p>With regard to Article 6 (Interethnic relations) the Committee’s Opinion starts from the previous two cycles recommendations and expresses concern related to the state of interethnic relations – high ethnic distance and nationality based discrimination. In that sense, “The Advisory Committee recommends that the Serbian authorities intensify their efforts to develop and implement measures aimed at increasing and strengthening contacts and interactions between the various communities living in Serbia. Specific efforts in this regard should be made with respect to the Sandžak and South Serbian regions. Measures to enhance mutual interest in and respect and understanding for each other’s culture amongst young people are of particular importance. Better use could also be made of councils for inter-ethnic relations in this context”.</p> <p>In the city of Novi Pazar, within the project a Draft Cultural City policy was created on the basis of the cultural heritage of the Bosniaks and Serbs that live in Novi Pazar. The city authorities adopted the draft that is now a part of the local development policy.</p> <p>In the municipality of Bujanovac a model was created to improve interethnic communication between the Albanians, Serbs and the Roma, but it was not adopted due to the inherited tensions and contemporary political circumstances that hinder the connection between the people and interethnic communication.</p>
<p>Compliance of the Small Project Results with the last findings of the ECRML/where</p>	<p>1. <i>Which Article(s) of the ECRML relates to the main Project findings?</i></p> <p>Article 10 - Administrative authorities and public services</p>

<p>applicable</p>	<p>2. <i>Please indicate the relation between the Project's results and the last Committee of Experts' Evaluation Report and the Committee of Experts Recommendations.</i></p> <p>In relation to Article 10 ERCLM the project results concerned Hungarian and Croatian languages (Subotica) and Romanian, Slovakian, Bulgarian and Hungarian (Pancevo). All local self-governments are on the territory of AP Vojvodina. Bearing in mind that the Committee has, in its previous opinions, expressed the standing that for these languages formal conditions are met for communication between the authorities and members of the minorities, the project results should be considered an important progression. In Subotica, DMS was established that enables electronic issuance of documents in minority languages, and in Pancevo Bulgarian and Slovakian languages were introduced in official communication on the local level.</p> <p>Moreover, both projects have increased the level of protection of the right to the official use of national minorities languages.</p>
<p>Main strategic/legislative and institutional framework dealing with minorities in beneficiary</p>	<p>1. <i>What are the main strategies/policies/legislation related with minorities</i></p> <p>Republic of Serbia has never adopted a separate strategy of multiculturalism or one dedicated to the protection of national minority rights. The position of national minorities is regulated in the Constitution (2006) and through two fundamental laws (Law on the protection of rights and freedoms of national minorities 2002 and Law on national councils of national minorities 2009) and a large number of other laws and documents. These sources are not mutually harmonized, which was on several occasions brought up by the Constitutional Court, last time being in 2014. According to the expert and CSO analysis, Serbia has an informally adopted segregated type of multi-culturalism to which the evidence is a high ethnic distance and obvious but non-institutionalized ethnic-political dimension of the political system.</p> <p>2. <i>What are the main central institutions responsible for minorities</i></p> <p>According to the Law on ministries, a partial administrative responsibility for the implementation of rights of the national minorities belongs to the Ministry for state administration and local self-government (in relation to election of minority self-governments and keeping of the registry of minority self-governments and voters). The issues related to the right to education fall under the Ministry of Education, Science and Technological Development, which hosts the Sector for education of national minorities. Ministry of Culture announces calls for financing the activities in the area of culture. Office for Human and Minority Rights assists the Government and its bodies to deal with human and minority rights in accordance with the</p>

	<p>law, but in practice the majority of activities get implemented through the Office itself (financing, monitoring of rights implementation, reporting upon international treaties, etc.).</p>
<p>Compliance of the Small Project Results with the minority policies in beneficiary</p>	<p>3. <i>How do the Project's results comply with the national legislation and local action plans?</i></p> <p>Action plan adopted for the implementation of the Chapter 23 of the Serbia's EU accession contains a section on State duties with regard to the protection of rights of national minorities. In the Action plan, it is envisaged to:</p> <ul style="list-style-type: none"> - Improve the legal framework that regulates the use of minority languages and promote its full use through intensifying the efforts to ensure full and adequate implementation of the rules that are currently in force with regard to registration of names in minority languages, official communication with public authorities and display of topographic signs in minority languages (Art. 10 FCNM, Art. 10 ECRML) - Undertake necessary steps in order to make the budget fund for national minorities more functional, while ensuring that its structure and functioning include national minorities in an adequate manner and that the funds for its effective work are secured (Art. 5 FCNM). <p>Local action plans with regard to rights of national minorities are non-existent.</p> <p>The previously described project results correspond directly with the parts of the Action plan for Chapter 23.</p>
<p>Policy Recommendations</p>	<ol style="list-style-type: none"> 1. <i>Specifically state what should be done, the steps required to implement the recommendations, and the resources needed;</i> 2. <i>Indicate the benefits that could be achieved and what problems could be corrected or avoided;</i> 3. <i>Indicate the feasibility of the proposed recommendation;</i> <p>General Recommendation (Expert Opinion)</p> <ol style="list-style-type: none"> 1. Decentralization of the system of national minority rights 2. Increasing the role of local self-governments in regard to realization of

rights of national minorities, in accordance with the Law on local self-government

3. Adoption of a new Law on national minorities and amendments to the Law on national councils of national minorities
4. Enabling direct participation of citizens-members of national minorities in creating and implementation of local policies of protection and realization of rights of the national minorities
5. Adoption of the integrated model of multi-culturalism that is based on tolerance and inter-cultural dialogue
6. Fundamental changes to educational and cultural policies that are in line with the principles of inter-cultural exchange.

For the adoption of these recommendations it is necessary to fundamentally observe the state of multi-ethnicity in Serbia and the consequences of current policies of multi-culturalism. Solid political consensus for the establishment of political system that suits the nature of multi-culturalism in Serbia. It is necessary to establish serious long-term multi-disciplinary research on different aspects of multi-culturalism and to create public policies on that basis that will achieve stable social development.

The benefits are a stable society, decrease in ethnic distance and tensions, development of multi-linguism, regional stability.

The feasibility of the recommendations is not high, as a model of segregated multi-culturalism is already established. However, the sustainability of segregation is also not likely, because it usually ends in assimilation, separatism and other kinds of crisis. Feasibility depends on decisiveness of the international community to support the inter-cultural model of social development in the countries of West Balkans.

Recommendations by local self-governments:

1. Subotica
 - Promotion of DMS model in national minority languages in cooperation with national councils of national minorities
 - Continuous education of employees in city administration
 - Widening of the model on other self-governments

For the implementation of the recommendations decisiveness of local self-government is needed to develop a system of national minorities rights protection. Except in the last decade of the last century, the politics of inter-ethnic tolerance was practiced in Subotica, but a real obstacle is the lack of general policy of integrated multi-culturalism. The precondition of sustainability of the

recommendations is the adoption of the politics of integrated multi-culturalism on a national level. On the local level, it is necessary to invest in developing the DMS software and especially in nurturing tolerance and inter-cultural dialogue.

2. Pancevo

- Promotion of inter-ethnic understanding
- Expansion of the basis for full implementation of national minority languages into official use on the city territory (local administration)
- Development of cooperation with national councils of national minorities

3. Novi Pazar

- Development of cultural policy of the city based on inter-cultural dialogue and cultural heritage of the Bosniaks
- Development of the city folklore

For the implementation of the recommendations, it is necessary to achieve political stability in the region of Sandzak, which was also pointed out in the Third Opinion regarding Serbia of the FCNM Committee of Experts. It is also necessary to improve the capacities of the local administration and to support the inter-cultural dialogue. The beneficiaries are the citizens of Novi Pazar.

4. Bosilegrad

- Improvement of the local administration and education of the implementation of human and minority rights standards
- Development of cooperation with CSOs

It is necessary to achieve continuous cooperation with the local administration and increase the level of the political culture in the municipality. It is a geographically detached municipality that lacks the interest from the central authorities. Economic falling behind encourages migrations towards the more developed regions. Sustainability of recommendations depends on wider economic and political conditions, and the beneficiaries are the citizens – members of the Bulgarian minority.

5. Petrovac na Mlavi

- Improvement of the organizational model of the Documentation centre for the protection of Vlach heritage
- Promotion of a methodology of drafting documentation for submission to the UNESCO intangible heritage list
- Awareness raising about the autochthone identity of the Vlach.

Sustainability of recommendations demands that the local self-government and local stakeholders in cultural policies continue with dedicated work on the improvement of the Vlach culture. For that it is necessary to ensure allocations

	<p>from the local budget. For sustainability, it would be very important to have the Vlach dish “Zmare” in the UNESCO list of intangible heritage. However, sustainability also depends on the respect of rights of the Vlach to express freely their cultural identity.</p> <p>6. Bujanovac</p> <ul style="list-style-type: none"> - Financing textbooks in languages of national minorities - Recognition of university diplomas from the Serbian regions - Improvement of the use of national minority languages in local administration - Ensuring full implementation of human rights (issuance of personal documentation without additional procedures, full enjoyment in health and social care rights, electoral rights, right to education) - Improvement of the position of local media in Albanian <p>Recommendations contribute to the regional stability and better integration of the members of the Albanian minority. However, sustainability depends on regional circumstances and the politics of multi-culturalism in Serbia.</p>
<p>Recommendations for the relevant institutions in the beneficiary</p>	<p>1. <i>Make a formal recommendations that best support the main Projects' results.</i></p> <ul style="list-style-type: none"> - <i>Adoption of integrated multi-culturalism politics</i> - <i>Harmonization of normative grounds for the protection of minorities</i> - <i>Decentralization of multi-culturalism governance</i> - <i>Higher participation of citizens in decision-making with regard to realization and protection of rights of national minorities</i>