



WORKING GROUP RECOMMENDATIONS

WORKING GROUP 1

1) How to better implement anti-discrimination legislation?

Moderator: Goran Basic, Deputy Ombudsman, Republic of Serbia

Keynote commentator: Irma Baraku, Commissioner for Protection against Discrimination, Republic of Albania

Rapporteur: Bashkim Ibishi, Executive Director, Kosovo Agency for Advocacy and Development

Note taker: Aleksandar Lazovski, National Project Officer, BPRI

Since 2004, all jurisdictions within the Western Balkans region adopted antidiscrimination laws¹ which helped to establish new institutions and national standards. Nevertheless, Roma and other marginalized communities still lack sufficient knowledge on what discrimination actually is and how to make use of the existing legislation.

Outreach and information campaigns in this field are necessary, as well as strengthening the capacities of new institutions and mechanisms for combating discrimination. Support should be particularly provided in the areas of data collection, monitoring and outreach. In spite of adoption of anti-discrimination laws, public opinion surveys show that Roma and other marginalized groups remain among the most discriminated populations in the Western Balkans region. Public perception of Roma should be addressed through integration measures (i.e. employment, housing, education, healthcare) and campaigns taking into account the specific situation at local level.

Roma and other marginalized groups should have full access to public services and civil documents. Civil registration systems should be made more efficient through appropriate measures at the national and local levels. Special attention should be given to the registration of children at birth and the naturalization of stateless persons and refugees, in line with international and European standards. If necessary, legislation should be amended to create new mechanisms for subsequent registration and facilitating registration in other ways. Ombudsman's Offices, Ministries of Justice, Interior and Public Administration, as well as the civil society sector should support this process and establish co-ordination to ensure progress is made.

¹ Albania adopted the Anti-discrimination Law in 2010, Bosnia and Herzegovina adopted the Law on Prohibition of Discrimination in 2009, the former Yugoslav Republic of Macedonia adopted the Law on Prevention and Protection from Discrimination in 2010, Montenegro adopted the Law on Prohibition of Discrimination in 2010, Serbia passed the Law on Prohibition of Discrimination in 2009 and Kosovo* adopted an Anti-discrimination Law in 2004.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Throughout this process, Roma NGOs should be closely involved in the design, implementation and monitoring of Roma Action Plans and Programmes. Good practices related to Roma inclusion need to be shared and replicated. The role of Roma representatives in the decision-making process should be enhanced, and the position and needs of Roma women and girls should be considered.

Regional programmes can support this process by promoting the exchange of good practices, connecting different stakeholders and strengthening capacities of institutions and civil society working on preventing and monitoring discrimination.

The working group discussing these issues provided the following recommendations:

1. Encourage Ombudsman's offices, human rights institutions and equality bodies across the region in their outreach and field activities within the Roma communities. The main goal of such activities should focus on raising confidence among the communities themselves, but also raising awareness about the available antidiscrimination mechanisms.
2. Specific measures must be in place that will take into consideration the special needs of Roma women because of their particular vulnerability to discrimination.
3. Policy measures and legislation must be based on statistical data. However, any lack of such data should not compromise the implementation of anti-discrimination legislation.
4. Regular monitoring of anti-discrimination policies is essential. Independent institutions must be supported in carrying out monitoring based on standardized methodologies.
5. Legislation and policy measures pertaining to national minority issues should be backed with appropriate budgetary resources.
6. Encourage lodging of discrimination complaints in front of courts and/or other relevant bodies (i.e. anti-discrimination commissions).
7. Strengthen the capacity of journalists to bring realistic and unbiased messages about Roma in mainstream Media. In that aim, Roma and minority journalists must be supported to report for mainstream media. Adequate timing devoted to the issues and problems of the Roma communities must be provided in public media.
8. The protection of human rights of national minorities at the local level should be reinforced, as problems are most easily identified locally.
9. The process of decentralization of services is crucial. There are good policies at the national level, but enforcement mechanisms at the local level must be reinforced. Municipalities must be included as much as possible into awareness-raising and capacity building activities. Regional health, employment and education offices/institutions must be appropriately included.
10. Capacity building on anti-discrimination for relevant institutions must be delivered on sustainable and continuous basis.

WORKING GROUP 2

2) How to enhance participation in public life?

Moderator: Markus Jaeger, Council of Europe

Keynote commentator(s): Prof. Siniša Tatalovi, Faculty of Political Science, Zagreb, Croatia, Advisor to the President of Croatia

Rapporteur: Professor Mitja Žagar, Scientific Councilor, Head of the International Centre for Interethnic Relations and Minorities in South Eastern Europe, Institute for Ethnic Studies, Ljubljana, Slovenia

Note taker: Lea Sengers, Consultant, MIN

For members of minority groups participation in public life is not only a right as such, it is also a means to actively stand up in the various political fora for the individual and collective rights of the members of their community and to insist on the fight against discrimination.

Numerous bodies exist in the countries of the region, at state, regional and municipal level, to organise minority participation in public life. Recommendations have been made by international bodies on how to further enhance such participation. Inclusive education can contribute to preparing young citizens for such participation.

Participants in the Working Group were invited to present what they consider good (or bad) examples as well as their ideas for actions to be undertaken to foster the participation of members of minorities in public life in the region.

The discussion showed that the areas and topics of three projects launched at this conference are connected and intertwined so that they could and should not be carried out separately. Consequently, the optimal results can be achieved if these projects are coordinated, co-operate and are fully integrated within the same framework that provides for their synergy. Co-ordination and co-operation is required also by three international organizations that sponsor and direct these projects, while the equal co-operation and inclusion of other international organizations – universal, continental as well as regional ones – should be encouraged to increase the synergies and further optimize the results.

From the perspective of the participation of national and ethnic minorities and their members in public life that is a key segment of their inclusion and integration into societies the following important areas and topics have been indicated:

- Participation of persons belonging to minorities in political life, including their right to vote and be elected into representative democratic bodies at all levels as well as into minority representations, such as e.g., minority councils;
- The nature, composition and size, mandate and competencies as well as functions and funding of the minority representative bodies, such as e.g. minority councils that are predominantly consultative bodies that, however, might have also certain legislative and executive competences and functions, such as e.g., proposing and/or drafting legislation and policies relevant for respective minorities;
- Employment and adequate (at least proportional) share of employees in the public administration that should be ensured, particularly in the judiciary, police, military, education, but also in other public services;
- The use of minority languages in the public space, life and in official procedures, possibly also the official use of minority language (e.g. in public and toponomic signs, personal documents, etc.) as well as the use of minority languages in education, culture, media, youth activities, etc.;
- Education, particularly minority language and culture learning;
- The role and co-operation of civic society and particularly NGOs – both minority and majority ones;
- The function and impact of kin states of national minorities.

At least in some segments these topics were addressed in seven participating countries, sometimes using also other countries (outside the region) as additional cases and broader comparative framework.

The working group provided the following recommendations:

1. There was a general consensus that the situation is very different in every country of the region. Situations of different national (ethnic) minorities within a respective country might differ substantially. Moreover, there are several regional and other differences within each of the countries. Consequently, even the situation of the same minority might be rather different in different sub-national regions. Frequently, there are more differences than there are similarities.

Although it is essential to collect, describe and analyze positive practices in different environments that benefit the majorities and improve their situation and protection, these practices cannot be directly transplanted from one environment to another one, where the situation and circumstances are different. Consequently, it is impossible to transplant legal arrangements, policies and measures from one environment to another and expect the same results. The same is true for international documents, standards and policies of international organizations. They cannot be just translated into local languages and legislations, but need to be adequately adjusted and tailor made for a specific environment/country.

The recommendation is that the exchange of information and co-operation in all areas relevant for minorities are encouraged, stimulated and promoted that could lead to the establishment of regional strategies, including strategies of regional co-operation of states and minorities.

In this context, the co-ordination and intense co-operation, including the joint projects and activities of the international community and international organizations are required in order to assist the countries of the region and their minorities as well as exercise the pressure upon the governments of these countries that might be necessary to stimulate the development and implementation of the minority protection.

However, it is essential that the regional communication, co-operation and common regional strategies are not considered the replacement of national and sub-national approaches, but rather their complements that can enhance their contents, efficiency and impacts.

2. There is the need to establish minimal international and regional standards and yardsticks, particularly with regard to organization, composition, competences and functioning of minority associations, institutions and bodies, their funding (particularly from the budget) as well as policies, measures and activities that shall enable and stimulate the inclusion and integration of persons belonging to minorities as well as minorities as distinct communities. These standards and yardsticks, however, should enable different models and solutions that suit best the needs and interests of particular minorities and, possibly, even allow for different solutions for the same minority and their members if their situations and circumstances are different in different parts of the country.

This principle and approach should be applied also with regard to the organization, composition and competences of minority councils or other representative bodies of minorities. Respective minorities should have a decisive say in this context. Although in their nature these councils are predominantly consultative bodies they might also be authorized to draft legislation and policies as well as to propose different measures.

In any case it is essential that also adequate administrative and expert support is being provided for minority councils as well as for other forms of minority participation that ensures their successful functioning and enhances their participation.

3. Progress in the field of human rights and minority rights as their segments takes time, often much effort and should be considered the yardstick of democracy. Consequently, projects, programs and policies designed to improve the situation, inclusion and integration of minorities and their members should be designed as medium and long-term ones. However, permanent monitoring and evaluation are necessary.

The same is true for capacity and institution building, particularly in case of minorities with their relatively limited resources and number of individuals that can be included in such activities. Consequently, they might need the assistance of the states where they live as well as of the international community, including the international organizations. It is particularly important that civic society and particularly NGOs of minorities as well as of majority populations are included in this process.

4. The role of the media and educational systems was stressed in the context of capacity and institution building, pointing out their role also for the preservation and development of their identity and public expression of their identity.

5. It is desired that the scholarly community is adequately included in all minority projects and programs. Particularly, there is the need to ensure stable funding for long term research that can provide the necessary information, data and theoretical knowledge relevant for democratization, human rights, inclusion and integration as well as minority rights and protection. In this context it is important that the scholars and experts know and understand the region and/or individual countries, which is particularly relevant in cases when positive examples and practices from other countries and parts of the world are being studied and their potential applicability in the region and in individual countries is considered. Research data and academic knowledge are key preconditions for successful decision making and for designing, promoting and implementing human rights and minority policies and legislation.

WORKING GROUP 3

3) How to approach diversity through inclusive education?

Moderator: Sarah Keating, Head of Unit for Regional and Bilateral Cooperation – South East Europe, Directorate of Democratic Citizenship and Participation, Council of Europe

Keynote commentators: 1) Lida Kita, Specialist in Vocational Education and Training and Social Inclusion - Country Manager, European Training Foundation and 2) Predrag Lažeti, Director, Centre for Education Policy

Rapporteur / Note taker: Lana Jurko, Executive Director, Network of Education Policy Centers

The role of education and training in the promotion of social inclusion, tolerance, inter cultural dialogue and non-discrimination in the Western Balkans is only recently being addressed by the countries of the region. Educational underachievement, skills deficiencies and inequitable access to quality education and training are effects, as well as - in the long run – major causes of social exclusion. Education can become a tool for breaking this vicious circle only when offers equal opportunities in access to and participation in learning, i.e. when education systems themselves are inclusive.

While there are different definitions and interpretations of inclusive education, internationally it is increasingly seen as a reform principle that respects and caters for diversity amongst all learners with a specific focus on those who are at higher risk of marginalisation and exclusion. It starts from the belief that education is a basic human right and a foundation for a more just society and aims to eliminate social exclusion which is a consequence of attitudes and responses to diversity in race, social class, ethnicity, religion, gender and gender.

Inclusive education seeks to offer quality education for all while taking into account the different needs and abilities, characteristics and learning expectations of the students and communities. Inclusive schools attempt to respond to pupils as individuals - i.e. to their diverse learning needs – by reconsidering and restructuring curricula, teaching methods, teaching aids, assessment and evaluation in line with the needs of everyone, thus reducing exclusion and degradation of students on the basis of disability, ethnicity or anything that could render the school life of some children unnecessarily difficult.

Consideration can be made on how to better respond to the broad spectrum of learning needs. Rather than being a marginal theme on how some learners can be integrated in the mainstream education, inclusive education is an approach that looks into how to transform education systems in order to respond to the diversity of learners. It aims to enable both teachers and learners to feel comfortable with diversity and to see it as a challenge and enrichment in the learning environment, rather than a problem. It is hoped that this workshop will contribute to this discussion and inform the upcoming project on inclusive education.

The working group produced the following recommendations:

1. Good quality education needs to be provided for all students. It is important that schools cater to the needs of all participants. The education systems in our countries cannot move forward if society does not recognize the importance of inclusiveness in education.
2. There is a need for wide-reaching, yet well focused support in order to make the change happen system-wise. Comprehensive and consistent steps need to be undertaken, encompassing schools at the meso- (institutional) and parents and students at the micro- (individual) levels, as well as central and local governments at the macro-level.
3. Efforts should focus on the prerequisites and practical measures needed at school level to enable inclusive education: support for the whole-school approach towards inclusion in education.

4. Challenges in the implementation of the inclusive education project include its broadness (i.e. covering policy, public awareness, schools and teacher training) and an overwhelming diversity of countries and actors.

5. Criteria for school selection need to be carefully defined, taking into consideration their size, urban/rural distribution, experience / track record, constitution of student population based on marginality etc. One option is to develop different modules according to the levels of school development.

6. It is important to celebrate „small” successes.

7. The project should select a national organization with mandate to: map existing initiatives and networks, nominate the core team for school support, implement the project in schools. There should be a regional meeting of core teams for defining Terms of Reference for schools, followed by a Call for Application for grants.

8. The core team should be available to support schools at all times and record the school needs. This team will work with schools throughout the project.