

## **INITIATIVE TO ESTABLISH THE MINISTRY FOR HUMAN RIGHTS, MINORITIES AND INTEGRATION**

Stable and efficient institutions are of utmost importance for the implementation of minority policies. It is the task of institutions to create conditions in which persons belonging to national minorities can directly exercise their rights and obligations, and in which national minority groups can enjoy and exercise collective rights, guaranteed by law. This state institution should have the key role in dealing with matters pertaining to minority policies. It should also coordinate with other relevant ministries and state institutions that have responsibilities for ethnic minority issues, such as the ministries of education and science, culture, interior, etc. Therefore, this ministry should acquire a long-term status within the Government of the Republic of Serbia.

However, in practice there have been some inconsistencies with regard to this issue: after the October 2000 changes and the arrival in power of the DOS (Democratic Opposition of Serbia), one of the institutions that were taken over from Milosevic's regime was the Ministry for Human and Minority Rights within the Federal Government. It was legally recognized with the adoption of the Law on Protection of Rights and Freedoms of National Minorities in 2002. However, the institutional concept was changed in 2004, and the Ministry was transformed into the **Service for Human and Minority Rights**. With the formation of the new Government of the Republic of Serbia in June 2008, the Ministry for Human and Minority Rights of the Republic of Serbia was established again. Then, after the reconstruction of the Government in 2011, the Ministry for Human and Minority Rights, Public Administration and Local Self-Government was created with the Human and Minority Rights Directorate within the Ministry, which assumed the responsibilities of the former Ministry.

The reasons why the Ministry should be established are:

- The high importance of the national minorities issue from the social, political and security point of view, and its connection with other segments of human rights;
- To stop further ethnic segmentation of society which narrows the manoeuvring space for cooperation within and between ethnic minority groups and between minorities and the majority;
- To end the monopoly that leaders of minority groups and political parties hold over the right to represent the interests of their minority groups, indicating the tendency towards authoritarianism, arbitrariness and partocratic behaviour;
- The need to observe the rights of national minorities in conjunction with other human rights, and to build the capacity of the country to manage new challenges such as the integration of new immigrant minorities into the society;
- Harmonization of the institutional structures with requirements linked to the process of EU integration so as to ensure efficient and successful negotiations on Chapter 23;

- The need to alleviate concerns in the relationship between institutions and national minority groups, due to the tendency toward centralization of the state administration. This tendency is not in line with the idea of national minority self-government and making national minorities part of the system for the "division of power";
- Increasing the capacity, expertise and number of civil servants dealing with this issue, and greater inclusion of members of national minorities into state organs.

Keeping all this in mind, it is necessary for this Ministry, as well as other ministries in the Government of the Republic of Serbia, to become permanent bodies within the process of constitutional change, adoption of a new constitution and/or a constitutional or framework law on the position of national minorities.

The establishment of this Ministry will reduce the number of separate Government bodies, the duties of which are included into the competences of the new Ministry which will take over activities and scope of work of the offices for religions, for human and minority rights, for the Diaspora, as well as of the Coordinating Body for the Municipalities of Preševo, Bujanovac and Medveđa, the Office for Cooperation with Civil Society and partly of the Office for Kosovo and Metohija.

We call upon the future Prime Minister of the Government of Serbia not to wait for constitutional changes and to define the status and competences of the Ministry for Human Rights, Minorities and Integration in the law on the government when establishing the new Government.

The Ministry for Human Rights, Minorities and Integration should perform the following duties falling within the scope of public administration:

## **NATIONAL MINORITIES, HUMAN RIGHTS, ANTI-DISCRIMINATION**

- General issues regarding the position of members of national minorities;
- Supporting the drafting and implementation of the National Strategy for Integrative Minority Policy, which should be adopted by the National Assembly of the Republic of Serbia by the end of 2016;
- Protection and promotion of human and minority rights;
- Keeping a registry on national councils of national minorities;
- Organization of elections for national councils of national minorities;
- Drafting regulations on human and minority rights;
- Monitoring compliance of national regulations with international treaties and other international documents on human and minority rights;
- Position of members of national minorities who live in the territory of the Republic of Serbia and implementation of minority rights;
- Establishing relations of national minorities with their kin states;
- Position and realization of competences of national councils of national minorities;

- Coordination of work and providing expert and administrative and technical support to the Republic Council for National Minorities;
- Harmonization of the work of state bodies regarding protection of minority rights, as well as other duties outlined by law;
- Implementation of rights and integration of refugees, displaced persons returned pursuant to readmission agreements, the Roma population and other socially endangered ethnic groups;
- Drafting and implementation of anti-discrimination policies and coordination of policy with other ministries.

## **GENDER EQUALITY**

- Gender equality;
- Population policy, family planning, family and children;
- Scrutinizing the existing situation and proposing measures related to promotion of gender equality;
- Drafting and implementation of a National Strategy for Improving the Position of Women and Promoting Gender Equality;
- Drafting laws and other regulation in this field;
- Cooperation with other state bodies, bodies of the autonomous province of Vojvodina and local self-government bodies in fields within its competences;
- International cooperation within its competences;
- Coordination of work and expert and administrative and technical support to the Council for Gender Equality;
- Improving the position of women and promotion of gender equality and of the policy of equal opportunities;
- Integration of the principle of gender equality into all fields of work of state institutions;
- Implementation of recommendations of the UN Committee on the Elimination of Discrimination against Women, as well as other duties pursuant to the law.

## **FREEDOM OF RELIGION**

- Monitoring of the implementation of the Law on Churches and Religious Communities;
- Duties related to the affirmation and promotion of freedom of religion;
- Creation of conditions for the development of inter-confessional dialogue, cooperation of the state with churches and religious communities and promotion of their position within society, as well as of their mutual cooperation;
- affirmation of religious heritage and the make-up of Serbian and national identity in relation to beliefs and identities of national minorities in Serbia;
- promotion of education in religions, cultures and civilizations, as well as assistance in its inclusion into the educational system;

- curricula and teaching programmes on religions, churches and civilizations in primary and secondary schools, as well as other duties related to the implementation and organization of religious education;
- support and assistance to religious buildings and the protection of religious cultural heritage;
- assistance to protect the legal and social position of churches and religious communities, enforcement of their rights established by law, regulation and improvement of the social and material position of clergy (priests, monks, religious workers, pupils and students in religious schools);
- keeping registries of churches and religious communities, as well as other duties defined by law;
- creation of conditions for EU accession and realization of projects within the Ministry's competences, which are financed from EU pre-accession funds, donations and other forms of development assistance, as well other duties prescribed by law.

## **MIGRATION**

- pursues migration policy, manages migration and coordinates work of all ministries and state agencies in this field;
- duties related to granting asylum and readmission;
- ensures protection of rights and respect of ratified international treaties and generally accepted rules of international law related to migration (at present, the implementation of migration policy falls within the competences of the Commissariat for Refugees and Migration).

## **INTEGRATION**

- formulates integration policy for national minorities and monitors its implementation in particularly sensitive local environments;
- promotes the development of civil society;
- cooperates in the enforcement of rights of Serbs and members of other national minorities from Serbia in Kosovo, the neighbouring countries and in the Diaspora;
- actively cooperates in negotiations on Serbia's EU accession, namely in negotiations on Chapter 23, and if needed on Chapter 35.

(Belgrade, April 2016)