



FORUM ZA ETNIČKE ODNOS  
FORUM FOR ETHNIC RELATIONS

# **THE PLATFORM FOR THE STRATEGY FOR INTEGRATION OF NATIONAL MINORITIES IN THE REPUBLIC OF SERBIA**

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## Foreword

The document: the Platform for the Strategy for Integration of National Minorities in the Republic of Serbia (hereinafter: the Platform) is a proposal from which the competent national authorities could develop their own National Strategy for Integration of National Minorities in the Republic of Serbia (hereinafter: the Strategy).

In this document, the term "strategic planning" is defined as a process of responding to the demands in the field of minority policy that come from the political, economic, legal, technical, infrastructural, cultural, and social environment.

The main premise behind the Platform is that the principles of integration, preservation and development of identity of national minorities are interrelated and that, in Serbia, it is necessary to increase the level of integration. The reasons for the current overemphasis on the issue of the guaranteed rights, the status of national minorities and the efforts to strengthen the minority identity (in relation to the practice of co-operation among national minorities and efforts to improve relations between the majority and minorities) can be found in historical events as well as in current social relationships and legal and value guidelines of minority policy.

The Platform is a document that, in the future, should be accompanied by an appropriate communication strategy and an action plan for implementation of the Platform, or strategies for the implementation of the Strategy for Integration of National Minorities in the Republic of Serbia. All of these documents should be as much as possible harmonized with the Action Plan for Chapter 23 in negotiations on membership of the EU, or with a part of this Action Plan related to national minorities.

During the work on the Platform, cooperation with representatives of the state was established, specifically: the National Assembly and the Government of the Republic of Serbia; representatives of the government administration and local self-governments; independent bodies; representatives of national councils of national minorities; political parties; non-governmental organizations; prominent political and professional figures from the ranks of national minorities; leading domestic and foreign experts on policy issues.

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## **Vision**

Serbia as a society that respects ethnic diversities, promotes inclusion and implements an integrative minority policy.

## Mission

Building Serbia as a society of cooperation and tolerance, which protects the particularities, and especially the rights of national minorities.

Focusing minority policy on integration and finding ways to respond to: the challenges of ethnic segmentation in Serbia; the increase in inter-ethnic distance due to mistrust; the pronounced risk of inter-ethnic conflicts within Serbia;

Activation of unused resources in favour of integration of minorities and maximization of effects of established examples of good practice; Elaboration, monitoring, and reporting on the implementation of related measures and activities of those government authorities that have political, legal, and financial responsibilities for integration of minorities;

Supporting the drafting and adoption of legal acts that are directly or indirectly related to the position of national minorities while fully taking into consideration international obligations in the area of minority policy, as well as consistent transposition and implementation of the principles of international law, including the European *acquis*;

Activation of the integrative potential of other public policies and incorporation of the minority dimension in the minority policy, including participation of members of national minorities in decision-making on the policies related to the issues that are not directly related to their minority position;

Extension of the circle of stakeholders from the ranks of national minorities, who participate and have an impact on the creation and implementation of the integrative minority policy;

Increase effectiveness of the institutional framework through the strengthening of responsibility and capacities of national and local institutions and minority autonomy focused on effective protection of minority rights;

Strengthening of accountability of holders of power and self-regulative mechanisms; intensification of informed participation of citizens and strengthening of social integration.

## Task

The main task is to define the principles and challenges in their implementation on minority policy in practice, which is guided by the values, directions, and mechanisms that would be included in the document: *Strategy of Integration of National Minorities in the Republic of Serbia*.

*The Strategy* should stimulate political and social stakeholders; on the one hand representatives of national minorities and other minority communities and their members (for example, migrants and migrant communities, marginalized groups) and on the other the Serbian majority, in order to establish a social contract of sorts in which the Republic of Serbia would take over the responsibility of promoting a new approach in which national minorities – their members and the collective are regarded as subjects with special guaranteed rights and freedoms, as well as responsibilities.

The guiding idea of the *Strategy* is to support and improve all rights and practices that have yielded positive results and which form the foundation of human and minority rights, but also to incorporate relevant amendments, supplements, and innovations that provide answers to new challenges.

The key focus in the *Strategy* should be the right to minority self-government, which is to be exercised through the institution of national councils of national minorities (hereinafter: the *National Council*); to the establishment of principles and mechanisms of political representation of national minorities in the National Assembly of the Republic of Serbia, including representation of those national minorities that have rights according to bilateral agreements on mutual protection of national minorities; to the representation of national minorities in the bodies of the executive power at all levels; to the clarification and increase of accountability of government authorities and bodies of local self-governments for creation of conditions for and enabling of participation of members of national minorities in the social life including making of decisions of interest to national minorities and to Serbia as a whole.

Specific tasks that enable the fulfilment of this main task include:

- Identification of realizable objectives with regard to the needs and possibilities of Serbia, taking into account the EU *acquis*, rules and recommendations of the Council of Europe and the OSCE;
- Encouragement to reach a consensus among relevant stakeholders concerning the need to produce the *Integration Strategy* and their obligation to adhere to that policy in playing their roles in the society;
- Launching an initiative to the National Assembly of the Republic of Serbia and to the Council of the Republic of Serbia for National Minorities to form a political and expert body, which would draft a document (declaration or the like) on the need to prepare and adopt the *Strategy*.

## **Recommendations for the development of an integrative minority policy**

For the Republic of Serbia, development of a democratic, effective and efficient integrative minority policy is an integral part of the overall process of democratization, raising the level of stability, security, and overall development. It is a complex and long process within which the change of ingrained habits and views is particularly important. It is recommended to enter into this process with an elaborated *Integration Strategy*, which would respond to the identified challenges.

The task of elaboration of the Strategy should be managed, through a joint working group, by the Government and the National Assembly of the Republic of Serbia. The debate, giving of opinions and proposals it generates should include provincial and local authorities, national councils of national minorities, representatives of minority political parties, relevant cultural, sports, and other organizations, non-governmental organizations and the like.

The *Strategy* should be adopted by the National Assembly of the Republic of Serbia.

### **1. Improvement of the constitutional and legislative framework of the integrative minority policy**

Serbia has adopted the normative system of protection of rights of national minorities, which governs the exercising of individual and collective rights of national minorities, considerably harmonized with the European *acquis*. Since the existing system of minority protection was established fifteen years ago, its practice has brought numerous new challenges and solutions, it is therefore necessary to proceed with the improvement of the existing constitutional and legislative framework in order for it to become effective and integrative.

#### **1.1. Improvement of the constitutional framework**

The reasons for amending the Constitution of the Republic of Serbia are numerous, they include:

- Facilitation of the implementation of the commitment to the membership of Serbia in the European Union, the regulation of the chaotic, un-harmonized legislation and its standardization in line with the interests of Serbia and the *acquis* of the European Union;

- Creation of constitutional and institutional preconditions for the normalization of relations between Belgrade and Pristina, as well as for implementation of the interests of Serbia and the Serbs in Kosovo, and
- Equal access to all the guaranteed rights and their efficient protection.

Should the future constitutional development of Serbia support regional self-organization of citizens and the organization of Serbia as a state of regions, it would also involve the position of national minorities, i.e. their integration. In such a case, it is important to secure a commitment that the issues of importance for the status, identity, and integration of national minorities are regulated on the state level; specifically in principle by the Constitution and in detail by special laws (a special constitutional or framework law, and/or in a number of laws governing certain areas of exercising of rights of national minorities – official use of a minority language, education of minorities and the like). Some issues can be defined only on the level of principles, whereby lower levels of authorities should be allowed to regulate certain issues in more detail in their respective acts; taking into account their respective particularities.

We propose the following starting points of importance for the constitutional regulation of the territorial organization of Serbia:

- Regionalization is an integral part of the process of decentralization of power, property, and economic development,
- Regionalization enables a higher level of participation of citizens in exercising of power in the matters that are of their direct interest, which creates preconditions for a more efficient and more accountable exercising of power;
- Serbia is a national state of the Serbian people and a multi-ethnic state in which 17% of the citizens belong to minority communities. Inside Serbia there are major regional and other differences. That is why it has an obligation to establish an optimal balance between ethnic loyalties to the nation to which a member of a minority belongs and the civic loyalty to the state in which he/she lives;
- Implementation of the principle of regionalization combined with guaranteed rights and freedoms of national communities and their members gives rise to the strengthening of integrative connections of national minorities in Serbian society, and could also help preserve the Serbian community in Kosovo;
- Ethnic particularities and rights of national minorities are necessary for the constitution of regions, but they are not sufficient. Ethnic territorialisation or ethnic regions are not in line with the concept of states of regions;
- Regionalization is a part of the reform and democratization of Serbia on the path to the reaching of the European standards, or accession to the EU.

It is a reality of Serbia that it already has the autonomous region of Vojvodina and that Belgrade is, judging by its characteristics and the number of inhabitants, already defined as a region. But the rest of Serbia does not have a clear regional organization; although local and regional differences are pronounced. From this it follows that those particularities will be reflected in the constitution of regions, as well as in the time of their organization as regions. Specifically, all the regions cannot be constituted within the same day or year. However, constitutional organization and commencement of the process of regionalization can and must start by a single act and within

the same day. Asymmetry of regionalism in Serbia also allows that all the regions do not have the same name. For example, Vojvodina is already now an example of a “European region”, which can be, still, called a “province”.

In the case of the constitutional acceptance of regionalization, it is necessary to re-examine its impact on the areas of importance for protection of rights of national minorities.

Direct amendments of the Constitution in the area of rights of national minorities are also necessary.

The Constitution of the Republic of Serbia explicitly mentions national minorities and rights of their members in 29 (out of a total of 206) Articles. This points to the fact that a proportionally great number of provisions deal with this problem area. This data is, at the same time, a virtue and a flaw of the currently valid Constitution. A virtue, because it deals with national minorities, rights of their members, and the protection in an unusually great number of Articles, which indicates that the Republic of Serbia cares about national minorities. A flaw because it aggravates the identification, mutual putting together, and harmonized interpretation of legal norms. Also, the Constitution clashes with the practice of modern constitutions of European Union, which predominantly leave the area of human and minority rights to a framework, or sectoral laws, as well as to regional and international bodies.

The Constitution should be freed from the approach that itself, *in extenso*, establishes all the substantial minority rights. It is necessary to improve the existing constitutional solution. In this process, it should be ensured to have the current level and scope of minority rights on the principle of acquired rights and judicial protection should also be secured for this principle.

In order to meet this commitment, the best solution is that, when adopting a new constitution, it incorporates the fundamental provisions, principles, and guarantees. In the very constitution it would be useful to determine minority rights as individual rights of members of national (and other) minorities and, therefore, as collective rights of those minority communities, because members of minorities can exercise their rights only together with other members of a minority community. In such a way, the specific dual nature of minority rights is demonstrated. In addition to the territorial principle of protection of minorities and their members, in parallel, personal (related to an individual, a member of a minority) and functional protection (related to the specific area, e.g. education, dissemination of information, use and promotion of a language, etc.) should also be introduced, which is not territorially limited to a place/region of traditional residence/living of a specific minority, but also exists and is guaranteed within the entire territory of the state.

Protection of rights of members of national minorities should be, however, ensured by the adoption of a constitutional law. This law is already adopted in the National Assembly by a qualified majority and by especially guaranteed declaration of representatives of national minorities in the Assembly, which is a simpler and easier procedure than the one for amendment of the actual constitution. This solution cannot be applied according to the current Constitution of the Republic of Serbia however because it does not recognize such a possibility. According to the valid Constitution, a constitutional law can be passed only for implementation of the actual constitution. That is why, in the process of amendment of the constitution, the option should be introduced whereby the constitutional law should regulate in detail the so-called substantial rights of national minorities and their members, and entrust to other laws the elaboration of the manner of exercising of established rights.

The gain for the integrative minority policy, which is brought by a constitutional or framework law, is reflected in an aggravated procedure for amendment, insisting on obligatoriness, in line with

the hierarchy of legal acts, that all other laws in the part of minority rights are in compliance with it. Thereby the legal certainty and the time required for establishing of an effective coherent system of integrative minority policy are ensured.

## **1.2. Codification of the legislation on national minorities**

It is recommended to use one, coherent constitutional or framework law to regulate the manner of exercising of minority rights guaranteed by the constitution and international agreements. Such codification would include numerous provisions that are, today, contained in the *Law on Protection of Rights and Freedoms of National Minorities*, the *Law on National Councils of National Minorities*, and partially in other laws, including the *Law on Prohibition of Discrimination*, the *Law on Public Information*, the *Law on Culture*, as well as in numerous bylaws (decrees and the like).

Codification should be aimed at the harmonization of legal solutions concerning the contents, procedural and institutional solutions, deadlines, and other characteristics. This enables the implementation of the “guillotine of norms”, or elimination of excessive setting of norms and ceding of numerous solutions (within a clear framework) to the government and local authorities, minority self-government and citizens. This enables ease of reference and easier coping in the texts of the laws. However, this also imposes an improvement to current legal techniques and harmonization of legal terminology.

For the purpose of successful codification and internal harmonization of the legal framework of the integrative minority policy (in the situation where there are numerous provisions in different laws on individual minority rights) it is necessary to establish and to strictly follow one of the basic principles of law, according to which lower-tier norms and, therefore, the norms of special laws, must be in harmony with the provisions of constitutional law and may not be in contravention of them. So, in the regulation of new areas, in special laws or lower-tier legal acts, the principles determined by the constitutional law need to be followed.

It is also necessary to harmonize the legal framework of the integrative minority policy of the Republic of Serbia with the international *acquis* of the European Union. Therefore, an analysis of the existing laws that are in any way related to the rights of national minorities should be made and their legal and social effects measured. Thereby the experiences of other states that have become members of the European Union should also be taken into consideration.

In addition to the harmonization of the legal framework, the principle of acquired rights should also be taken into consideration, particularly in cases where at the national level, or the level of protection of minorities and their members in the Republic of Serbia is higher than at the international level, including the standards of the European Union and the Council of Europe.

It is necessary to make a comprehensive revision of the existing legislation in the area of protection of human and minority rights, particularly from the aspect of elimination of the conflict of jurisdictions, unharmonized procedures and deadlines, as well as the elimination of legal ambiguities and voids.

It is necessary to initiate a public debate on possible amendments of the electoral legislation when the representation of national minorities in the Republic parliament is in question. Different models should be analysed, such as guaranteed seats in the parliament for representatives of national minorities, as well as guaranteed participation in exercising the power of public authorities

at a local community level, as well as on the level of regions, once the regionalization of Serbia takes place.

It is necessary to continuously monitor the implementation of laws, training, and dissemination of information to the public about any implementation. This should become an integral part of the practice and legal culture of all those included in the enforcement of laws, as well as of media and non-governmental organizations in the Republic of Serbia.

On the occasion of any future amendment of the minority legislation, the issues of the position of non-citizens who speak a minority language should also be regulated. Additionally, in relation to the protection of the rights of members of new minorities or migrants, reaching of standards of protection of national minorities should be aspired to, particularly in the individual dimension of minority rights, such as the right to use a mother tongue and development of national culture.

Taking into consideration the right to free expression of ethnic affiliation, use of language, and the right to write personal names in the original form, it is necessary to adopt relevant regulations for the purpose of consistent implementation of legal solutions on collection and processing of particularly sensitive personal data.

The need to amend the Law on Churches and Religious Communities should be reviewed so that it is in compliance with the Constitution of the Republic of Serbia and international agreements, and to amend the provisions on the privileged status of traditional churches.

Related to the amendments of the electoral legislation in the Republic of Serbia the need was pointed out to abolish the aggravating provisions according to which political parties of national minorities or members of national minorities for election of an MP should ensure the same number (ten thousand) of signatures of support to be placed on the ballot; which is the same number required by parties and civic initiatives of the majority community.

On the level of the analysis of ratified international documents, the following should be done:

- Analysis in detail of the existing regulations and their harmonization with the European Charter on Regional or Minority Languages and the Framework Convention on Protection of National Minorities;
- The existing legal regulations should be harmonized with the provisions of ratified international documents in those cases where, on the occasion of transposition of their contents an error was made, lack of precision or thwarting of the purpose of their adoption took place;
- The existing legal regulations should be supplemented with international provisions, which have not as yet been incorporated into the legal system of the Republic of Serbia;
- The ratification process of international documents, which have not as yet been ratified, should be speeded up, specifically within the shortest period of time, and
- The legislation and jurisprudence in Serbia should be improved, based on the lessons learnt from the analysis of the jurisprudence of international judicial institutions.

It is recommended that Serbia, like other OECD countries, should establish the practice of the so-called Regulatory Impact Analysis – RIA of the legal acts prior to or after their adoption, which is an efficient tool because it helps authorities to achieve impact through regulations, and is used to test and measure desirable profits, costs, and effects of new or the existing regulations. The purpose of the analysis is to create an efficient legal system the functioning of which will not cost more than what is achieved by it.

## 2. Full development of the institutional framework of the minority policy and activity of national councils of national minorities

The *National Strategy* also includes the issue of establishing an institutional mechanism of protection of the rights of national minorities and effective implementation of the integrative minority policy.

It is recommended, in the constitutional law, on the basis of the authority from the Constitution, to clearly establish criteria for establishing (and regulating existing) institutions concerned with the integrative minority policy, starting from the government, local institutions, to the national council and institutions of national importance to national minorities.

The constitutional or framework law as well as the Law on the Government of Serbia should define the status and competences of the standing **Ministry for Human Rights, Minorities and Integration**.

The **Council for National Minorities of the Government of the Republic of Serbia** (hereinafter: the *Republic Council*) has a special place in the implementation of the integrative minority policy.

The constitutional or framework law should prescribe the powers, work goals, and the composition of the *Republic Council*, which are currently prescribed by a decree, and for the purpose of its activation, it is necessary to envisage its obligation to meet for a minimum of once every six months. It is also necessary to prescribe methods of working and management as well as establish a qualified service to service the work of the *Republic Council*.

It is necessary to promote an intensive inter-sectoral cooperation in the Government of the Republic of Serbia, which would also include cooperation between ministries in charge of human and minority rights, and the integration policy with other ministries in order to implement a comprehensive policy in this area. It is characteristic of the majority of government authorities that are in charge of the position and protection of minorities that they do not have the required competences or knowledge for effective implementation of minority policies, protection of the rights of minorities or management of the integrative, multicultural processes. Although some of those authorities manifest openness for discussions and cooperation, the position of minorities is not on their list of their priorities, nor is the building of institutional capacities enabling them to deal with this matter in a responsible way. . Therefore, it is necessary to devote attention to the establishment of a mechanism of effective implementation of the minority policy, and for that reason it is also important to build capacities of supervision and administrative servicing of the institution of minority policy (modernization of equipment, raising of the level of training as well as establishing of adequate representation of national minorities). It is necessary to ensure higher levels of professional training of employees in the Ministry as well as representation of the members of national and other minorities within the bodies of this ministry. One of the units of the Ministry would be authorized and trained to engage in the continuous professional training primarily of the government authorities in charge of supervision of the lawfulness of work of national councils and other institutions of the minority policy in the following ways; professional training of persons in charge of decision making, disposal and earmarked use of financial resources;

professional training and drafting of instructions in the areas of administrative proceedings, archiving, and safe keeping of documents and the like.

**National Councils** are a relatively new and exceptionally important institution of the integrative minority policy. Therefore, the *Integration Strategy* is devoting a special attention to them.

A *National Council* is, by the spirit of law, a body of minority self-government. It should ensure exercising of freedoms and rights of national minorities to established authorities and bodies of minority self-government. However, this has not been consistently and fully confirmed so far in the practice of the *national councils* in Serbia. The main obstacles to a consistent implementation of the concept of minority self-government are the methods of election and functioning of *National Council* that stimulate emergence of undercover or uncontrolled centres of power. This leads to the emergence of so-called minority leaders, who do not have a full democratic legitimacy acquired by the decision of the members of national minority. Those leaders draw their strength from the closeness with the Republic centre of power, and not infrequently from special interest connections with the security, business, and even criminal structures. Further, the consequence of such functioning is the bureaucratization of the activities of *National Councils* with respect to the members of national minorities. Unequal power of individual minority leaders as well as closeness with the centre of the Republic power also results in unequal financing of minority programmes and unbalanced development of minority communities. An additional problem is also poor coordination between various national minorities. In eliminating the problem related to democratic legitimacy and representation of the entire minority community, elections on the level of local communities can be of assistance with the guaranteed representation of other members as well, who are not organized through political parties. Intra-minority and inter-minority coordination can be enabled by taking into consideration the practice from the Republic of Croatia in which there is coordination between national councils, and/or the councils and representatives of national minorities at different levels.

In such a practice, minority self-government is reduced down to the cultural autonomy and *national councils* which have become centralized bodies to a large degree, alienated from the members of national minorities and under strong influence of minority and other political parties. They institutional-wise have interaction mainly only with the Republic and provincial authorities. Their cooperation with local self-governments, in the places where members of minorities live, depends on the good will of the leaders of *national councils* and representatives of local self-governments. The work of *national councils* is in the majority of cases opaque, excluding participation and communication with the members of national minorities, who are in turn, in their part, insufficiently informed about the role of *national councils*.

Particularly pressing problems in the practice of national councils appear in the method of elections and functioning, which may give rise to the creation of alienated centres of power and bureaucratization with respect to the members of national minorities.

Problems also appear in the financing of minority programmes and the unbalanced development of minority communities.

Poor coordination is pronounced between various national minorities at different levels and between different national minorities.

Clear definition of the competences that belong to *national councils* as the expression of autonomy of national minorities, and what rights they have (because they assist government authorities in the exercising of power) would contribute to the elimination of identified problems.

When the method of organization of *national councils* is in question, there are two options:

The first option would mean abandonment of the current model of organization and national councils would be organized on the level of municipalities and their members would be elected in direct elections. The coordination of activities of a *national council* of the given national minority, specifically for several municipalities or on the level of the Province of Vojvodina, or of the Republic of Serbia (depending on the territorial distribution of the given national minority) would be performed by the national council. A national council would be composed on the principle of a delegation of representatives of *national councils* as well as adequate representation of representatives of institutions of national importance for the given national minority.

The other option is to retain the current model of the constitution of *national councils* according to a single pattern. But, this model should be corrected by adequate guaranteed representation of institutions of national importance for the given national minority.

It is necessary to clearly define the obligations of government authorities and bodies of local self-government towards members of national minorities and towards proposals and demands of national councils and towards more efficient procedures before the administration bodies and courts in case of violation of those rights.

For direct participation of the members of national minorities in decision-making related to the rights emanating from minority self-government, and even the cultural autonomy and for substantial implementation of entrusted competences, it is necessary to establish a territorial organization of national councils or minority self-government that differs from the current one. The constitutional law should enable horizontal and vertical linking of the members of national minorities. This means the introduction of- in addition to the principle of personal of territorial and administrative autonomy (which are at the roots of regulation of the right to found minority self-government and to organize councils of minority self-government) - the principle of functional autonomy. This combination of different forms of autonomy attempts to strengthen the importance of the sphere of civil society for the freedoms and rights of minority communities and their members. At the same time, citizens - members of minority communities are enabled, independently from the minority community, to enjoy their respective rights and freedoms.

A new organization of minority self-government would also enable the members of national minorities who live in places distant from centres of minority self-government, whereas a rule the seats of national councils are located, to exercise their rights and to use legal options. Additionally, democratization imposes the direct participation of members of national minorities in exercising recognized collective rights, and calls for decentralization of organization of minority self-governments. This will be enabled if direct elections on a local level take place, and municipal minority self-government is set up as the basic unit of self-government.

For the purpose of accession of Serbia to the EU and introduction of European standards for decentralization of power and regionalization of the state in the Constitution of the Republic of Serbia, special attention should be devoted to the reform of local self-government. In addition to economic, geographical, and regional particularities, ethnic particularities should also be taken into consideration and to the greatest extent possible the territorial organization should be prevented from artificially fragmenting in the areas in which national minorities traditionally live. At the same time, it is necessary to devote attention to the request for regionalization that appears on the path to the accession to the EU because regionalization may establish new stakeholders of minority policy on a regional level (which have not been known in Serbia up to now, and can have a major and positive role). In that context it is necessary to ensure adequate participation of the members of national minorities at all the above levels, as well as to elaborate mechanisms that guarantee such

participation (for example, guaranteed seat/s of a minority representative in municipal, city councils).

Finally, a national council of a national minority is, as the central body, elected at the constituent (electoral) assembly, and would consist of all the elected members of minority self-governments. Actually, local self-government and other subjects established by the law, such as civil organizations and initiatives, institutions of national importance for the national minority would, in adequate quotas, and on the principle of delegation, be represented in the national council, in the committees for culture, education, information, and use of languages, and in coordination with the minority self-government of the given national minority. The mixed electoral model in question enables direct participation of citizens because it brings the rights closer to their holders.

On the other hand, it is necessary to clearly define the place of government authorities and bodies of local self-government in carrying out the integrative minority policy. The Republic Council should have a special role in giving guidelines, opinions, and creation of policy with respect to the national councils.

“Depoliticization” of national councils imposes a set of measures and processes for the advancement towards democratization and empowerment of the public in Serbia. As to the national councils, the first step should be identification of an adequate system of elections and organization of national councils, which would also enable representation of other segments of a national minority, such as the civil society, business community, institutions of national importance for the given national minority.

In the existing practice engagement in the work of national councils of those members of national minorities, who are members of multi-ethnic and civic parties, or who do not belong to ethno-national minority parties has been frequently disputed. Therefore, it is necessary to find a solution that will limit the so-called big or non-minority parties to marginalize, using their infrastructures and power in the society, ethno-national minority parties and citizen groups in the course of the electoral process and thus monopolize national councils. However, at the same time, it is also necessary to take into consideration that the constitution prohibits discrimination on the grounds of political conviction and membership of political organizations. A solution for this problem should be looked for in order to establish a mechanism of transparency in the work of national councils, thereby strengthening the democratic public inside national minorities and in society as a whole; stimulating and rewarding professional work and raising of the level of efficiency of control mechanisms.

Functioning in this model is not more expensive than the existing model of financing, although it calls for certain changes in the organization of the public administration, particularly the increase of the quality of work and accountability of the public administration. Additionally, it is necessary to raise the quality of work and the level of accountability of the actual *National Councils*.

The proposed electoral model implies that municipal minority self-government units are elected on the basis of separate electoral lists. The same principle would also be applied on the regional level territorial and political organization of Serbia when and if it is introduced. Inter alia, this means that members of minority self-government would take care of exercising their recognized rights in local self-government, and impose the building of capacity within local self-government.

The financing of programmes of national minorities is a particularly important issue and greater attention must be devoted to it than it has been the case to date. One of the main sources are budgetary funds that should be provided on two grounds. The first being is financing of activities

that the national councils are engaged in as publicly vested powers and the second is project financing on the grounds of concrete projects of non-governmental organizations of the given minority community or of actual national councils. The Government should decide on the allocation of the budgetary funds at the proposal of an expert body, which would be guided by clear criteria established with mandatory consultation of representatives of national minorities. It is also necessary to establish an efficient system of monitoring the spending of the funds, and annual reports of national councils should be presented to the Government and the National Assembly. It is also possible to delegate such powers to other authorities.

It is the obligation of the Government of the Republic of Serbia to re-examine the existing policy of replenishing the budget and to stimulate, through amendment of the tax policy, individual natural persons and legal entities to directly finance the needs and projects of organizations and bodies of national minorities. This could be achieved by giving various tax allowances, and even deduction of the tax base to those who finance projects and activities harmonized with the integrative minority policy. This also imposes structural financial recording of such outlays, which currently does not exist.

It is also necessary to resolve, by law and otherwise, the issue of the restitution and the status of endowments/trust funds, cooperative societies or cooperatives, social enterprises, and other forms of organized activities of members of national minorities. Such funds would be managed by relevant bodies of the minority community with the financial records made by the state.

Instead of the Fund for National Minorities, which is stipulated in the Law on National Councils, the Fund for National Minorities and Integration needs to be established under the control of the responsible ministry. The objective of this Fund is to provide financial support for projects of national councils and other organizations, particularly for activities that foster cooperation among minorities and between minorities and the majority. The competences of the Fund should also include building of capacities of national councils, joint projects of several national councils, projects of national councils and other institutions, establishing of new, joint institutions of minorities and the majority.

### **3. Challenges of social and political position of members of national minorities in the Republic of Serbia**

Among the biggest challenges to which the integrative minority policy should respond are: large ethnic distance among the members of different communities; underdeveloped social links between national communities; a strong tendency of establishing monopolies of some political leaders and organizations over national minorities, which is followed by the practice of political deals that are made during elections. In order to marginalize such, essentially, undemocratic practice, it is necessary to systemically stimulate and support cooperation between different national minorities, as well as to enable democratic legitimacy and control of those who represent those minorities. Due to such practice, certain national minorities and their elites have maximized gains. This is first of all related to larger national minorities and those having a strong parent state. At the same time, the discontent of other minorities is growing, as well as their kin states (Romania, Bulgaria, Croatia) which have, each

for its own reasons, linked those issues with the negotiations of Serbia on the membership in the EU. Hence the approaching commencement of negotiations on the membership of Serbia in the EU intensifies the nervousness of national minorities. This, with the progress in the process normalization of relations between Serbia and Kosovo, increasingly links the issue of the position of the Albanian national minority in Serbia with the position of the Serbs in Kosovo.

All of the above indicates that it is necessary to further promote democratization of society as well as build relations inside national minorities, between institutional and social bodies, between actual national minorities and between minorities and the “majority” (which have doubts about the loyalty of minorities towards the state, while the national minorities do not have confidence in the state). Implementation of this position is the precondition for a successful integrative minority policy. This, however, imposes the need to build inter-ethnic confidence, which is a long-term process, it implies meeting of numerous preconditions among them being: recognition and appreciation of the right of minorities to self-identification, enabling participation of minorities in the corridors of power of government institutions and public life, and legal regulation of the rights of minorities and establishing of efficient mechanisms for the protection of minority rights.

It is certain that, in addition to the legacy of ethnic conflicts from the nineties of the last century, the existing system of protection of rights of national minorities has directly been responsible for the development of segregated multi-culturalism, which does not serve the nature of multi ethnicity of Serbia. This is why reforms of the system of exercising and protection of rights of national minorities are needed, which would lead towards the integrative minority policy. However, this requires that clear political views are expressed, first of all, by the National Assembly, the Government and the President of the Republic on what policy of multi-culturalism the state is going to pursue. Such a declaration can be expressed in relevant guidelines for constitutional amendments or in an adequate declaration (or in some other document) of the National Assembly on the integration of minorities, the position of the Government dedicated to the issues of minorities and in a statement of the President of the Republic.

### ***3.1. Participation in public and political life and decision making***

For the purpose of supporting the existing incentives or introduction of new initiatives that favour social integration of minorities or suppressing the practice of segregated multi-culturalism, it is necessary to respond to open, unresolved issues of political representation of national minorities in the Assembly bodies and ensure effective participation of minorities in public life, including their representation in the work of public services.

Amendments of and supplements to the laws (as well as the adoption of adequate bylaws) associated with the existing constitutional provision needs to be precisely stated according to which, in employment, the national composition of the population and adequate representation of members of national minorities will be ‘taken into consideration’, for example, in the case of employment in public services. Taking into consideration an adequate representation of members of national minorities, without precisely prescribed measures and without a protective mechanism is not a sufficient guarantee that this provision will be implemented in practice. Regulation of the right of national minorities is hard to achieve by mere legal provisions and political proclamations. The best path is education of members of national minorities and development of competences that will

qualify them for certain types of jobs. This can be achieved only by joint actions of the state and representatives of national minorities.

The measure of affirmative actions in employment that is related to the increase of the number of members of national minorities in the administration bodies need to be tied to an additional criterion- proficiency in the language of the national minority which is in official use. In addition to the above, for successful implementation of special measures it is necessary that the rulebooks on internal organisation and job systemization prescribe proficiency in the languages of national minorities that are officially used as a special requirement for the work places where communication with citizens is done as the regular task.

It is necessary to enable a declaration on national affiliation and to regulate the keeping of a register (personnel records) on the national affiliation of employees. Also, the method of archiving and protection measures need to be regulated, particularly of sensitive personal data (which also includes the data on national affiliation), bearing in mind that, according to the view of the Commissioner for Information of Public Importance and Personal Data Protection, without regulation of those measures there are no grounds for collection of the above data; which results in inability to exercise those rights of the members of national minorities that are exercised on the basis of the statement on national affiliation.

It is necessary to undertake measures and activities that will enable the members of the majority nation to be familiarized with the culture and tradition of national minorities, as well as with the rights that are guaranteed by positive legislative provisions. The same applies for familiarization of the members of national minorities with other national minorities, as well as with the culture, traditions and rights of members of the majority nation. Actually, it is particularly important to show both the internal pluralism and diversities, which exist within every national community.

For improvement of the position of national minorities and members of minorities it is of fundamental importance to build a much more favourable cultural and social environment of inter-ethnic respect and trust. Such an environment should be taken as the priority objective of all, and particularly of the most influential factors in the Serbian nation, within government authorities, political subjects and factors of civil society.

To date, the experience practice of local councils for inter-ethnic relations has shown that such bodies have not been accepted. Therefore, by relevant supplements to the *Law on Local Self-government*, on the local level, a certain control mechanism should be provided and the procedure for communicating the opinions of the members of national minorities to the bodies of local self-government. Also, a possibility should be created for national councils to act on lower levels of power through similar bodies that are constituted on the given level of power.

One of the main objectives of their action on the local level should be stimulation of a dialogue between representatives of political parties, national councils, and civil society organizations, including religious communities of national minorities, government authorities, and civil society, in cooperation with the media to attract publicity.

A particularly weak point of the institutional framework of the Republic of Serbia is absence of *institutions for prevention and peaceful settling of conflicts*. For the purpose of elimination of this weakness, it is necessary to set up, in local multi-ethnic communities, *debate clubs for tolerance and prevention of conflicts*, and, for the crisis cases, *ad hoc conciliation councils* should be formed composed of representatives of the parties in conflict, representatives of political and civil leadership of a local community, as well as experts in the role of mediators.

### **3.2. Education of members of national minorities**

Quality education of members of national minorities to a great extent depends on the care of educational authorities to provide quality conditions for education and quality educational processes. This implies: a higher level of investment and more efficient spending of financial resources; modernization of school infrastructure; finding of an optimal balance between centralized and decentralized management in the system; modernization of curricula; raising of the quality of initial education of teachers and their further training; provision of quality textbooks and other teaching materials; further development of the quality assurance system in education; development of effective approaches in the provision of additional social and educational support to those who need such support.

For the development of a society respecting diversities through education (for the purpose of development of Serbia as a democratic society in which diversities are respected) it is necessary, on the national level, that education results in a good knowledge of history, tradition, and culture of national minorities, as well as knowledge of human and minority rights. Such an education should also result in an increase in people respecting diversities, developed sense of solidarity, and abilities for intercultural communication, dialogue, and cooperation.

In view of the need to improve the level of knowledge, to change in ingrained habits, opinions, and prejudices formed during the ethnic conflicts, a *thorough change of the system of education* is needed, which would include education for tolerance. Therefore, curricula, at all the levels of education, should include learning about human and minority rights, about war crimes, genocide, ethnic cleansings, and about holocaust. Additionally it is necessary to promote pluralism and diversity as having special value and assets and also include dissemination of information on the existing minority communities and ethnic, cultural, religious pluralism. Though such content should not be limited to some subjects, they must be present in the entire curricula, it is necessary to re-examine the existing practice of optional subjects of religious instruction and/or civic education. Instead of those, learning about cultures, religions, and civilizations should be introduced. To that context, it is also important to ensure adequate development of civic education, not limited only to special subjects, but across the entire system and curricula on all the levels of education. Quality education and training of teachers is essential.

Preservation, protection, and development of national, cultural, and language identity of national minorities through education can be fully realized only if pupils properly master their mother tongue in the course of the educational process and have a good knowledge of tradition and culture of their ethnic group. This still needs to be provided through three main forms of education depending on the situation: education that is provided through giving complete instruction in the language of a national minority, education that is provided through bilingual instruction, and education provided in the Serbian language including studying of the subject “Language of a national minority with elements of national culture”.

A strategic commitment in the area of education of members of national minorities should be to have, at the earliest levels of education and upbringing (preschool level and class teaching level), the entire curriculum implemented in the language of a national minority, whereby the language of a minority and the Serbian language should be regular teaching subjects (when we talk about the general class teaching (first to fourth grade of elementary school). With the commencement of specialized class teaching (fifth to eighth grade of elementary school), it is necessary to start with

bilingual education, specifically to gradually increase the number of subjects with instruction in the Serbian language, but to still have a considerable number of subjects instructed in the language of the national minority. The same should be applied to the level of secondary schools in which instruction in a considerable number of subjects would still be provided in the language of the national minority (with mandatory studying of both language subjects – the language of the national minority and the Serbian language). So, we are talking about the approach of *additive bilingual instruction*, which implies adding the language of the majority community to the first one, minority language, which is the approach that, according to pedagogical research throughout the world results in the best educational achievements of members of national minorities. In view of the fact that this is in many aspects a demanding form of instruction, it should not be started before all the preconditions are met and good preparation is made (with regard to financing, staff, curricula, text books, etc.). Education of members of national minorities is an exceptionally important and sensitive issue, which impacts both on the members of national minorities and on the majority. But, since in Serbia there is a multitude of different situations, for example, one community is not a numerous minority in a community, or the minority is more numerous than the majority in another community, and even more numerous than the members of the Serbian majority in some other local community, a flexible approach should be supported and parents and pupils should be enabled freedom of choice.

The practice of existence of ‘bilingual schools’ in which classes throughout the time at school are divided by the languages in which instruction is provided (classes in which all instruction is held in the Serbian language and classes in which all instruction is held in the language of a national minority) results in segregation of pupils inside the school and local community and such a negative practice should be replaced by the approach that fosters the existence of ‘bilingual classes’. Within bilingual instruction it should be ensured that school curricula, to a considerable extent, include familiarization with the history, tradition, and culture of other nations living in the local community (both the majority and minority nations).

If the members of national minorities (pupils and their parents) express a desire to have education which involves all classes in the language of the national minority, that option should be realized, but include considerable upgrading of the study of the Serbian language as non-mother tongue, (both with respect to the teaching load and regarding an adequate curriculum, teaching staff and available textbooks). In such a way, the current situation would be overcome in which pupils, who have attended these form of classes, are not sufficiently proficient in the Serbian language, due to which they often proceed with further schooling, and often stay in the countries of their ethnic origin. It should also be pointed out that there is no international practice that provides all the study programmes on the level of higher education in the languages of all the national minorities. There are objective reasons for this, such as the lack of financial resources and adequate teaching staff and, therefore, those pupils who have not sufficiently mastered the language of the country in which they live have less opportunities to choose programme they wish, which causes the above situation which neither benefits the state in which those pupils have received education and which has invested in their pre-university education, nor the actual students because they get separated from the community and the country in which they grew up. It is also necessary to review the possibility that members of the majority nation learn basics of the language of the national minority that constitutes a majority in a local community.

In cases where education of the members of national minorities is provided in the Serbian language, it is necessary to intensify the status of the subject ‘*Language of national minority with elements of national culture*’, or its status of elective subject should be converted to the status

‘mandatory elective’ subject. Also, additional and extracurricular activities in schools should be intensified that are conducive to the familiarization with and better understanding of the culture of national minorities, which additionally strengthens an intercultural approach in education.

Integration of national minorities within the social community also implies that the members of the majority community speak language(s) of other national groups in the local community. Therefore, it is proposed to introduce the subject ‘*Language and culture of social environment*’ into schools, as well as promote the studying of this subject among the members of the majority nation. The solution that would be the most effective is the introduction of the *Language of social environment* as mandatory elective subject in ethnically mixed communities.

In the area of education of national minorities it is necessary to harmonize the basic concepts between different laws that regulate education. Concretely, it is necessary to harmonize the provisions of the *Law on the Fundamentals of Education System*, the *Law on Primary Education* and the *Law on Secondary Education* in those parts in which the status of bilingual education is determined. Also, the *Law on Primary Education* and the *Law on Secondary Education* prescribe that detailed requirements for bilingual programmes of educational activity are prescribed by the minister in charge of educational affairs.

Bearing in mind the importance of this type of education, but also the numerous dilemmas that exist concerning its implementation, it is necessary to adopt the Rulebook on Bilingual Instruction, including mandatory wide consultations and participation of representatives of national minorities. Further, it is necessary to harmonize laws in the area of education with other laws that deal with the right to education of members of national minorities, first of all with the *Law on National Councils of National Minorities*, in the manner to prescribe the power of the competent minister to regulate in detail the requirements and criteria for establishing educational institutions as institutions of special importance for education of national minorities.

Within the Ministry of Education, Science and Technological Development it is necessary to increase the number of employees working on affairs of education of national minorities. On the one hand, we are talking about human resources development of the newly formed Group for Education of Minorities and Human and Minority Rights in Education and, on the other, an increase of the number of advisors for education of national minorities in school administrations (detached organizational units of the Ministry). This is also particularly important in terms of assurance of the quality of education in the languages of national minorities, because it is not uncommon that due to the lack of teaching staff certain subjects in the languages of national minorities are instructed by unskilled and untrained staff who particularly need monitoring and opportunities to undergo professional training and improvement. School administrations of the Ministry of Education, Science and Technological Development in the territories of which members of national minorities are educated should get greater powers with regard to the monitoring and improvement of education of national minorities (separate administrations outside the territory of Vojvodina).

It is necessary to review the conditions for forming a separate organizational unit for the issues of education of national minorities within the Institute for Education Quality and Evaluation, a suggestion which is actually explicitly stipulated in the *Law on the Fundamentals of Education System*. In the Pedagogical Institute of Vojvodina there is also space for additional employment of experts, because the Institute currently functions with 50% vacancies.

Special attention should be devoted to the empowerment of national councils of national minorities so as to be in a position to exercise their powers in the area of education to the full

extent, as well as to consistent inclusion of national councils in the adoption of all the policies and making of decisions that are of importance for education of national minorities.

Financing of institutions should take place according to an established economic price for the implementation of the programme of education, per child and pupil, as it is actually prescribed in the *Law on the Fundamentals of Education System*. So, it is necessary to insist on urgent introduction of financing “per pupil” as opposed to the current system of financing “per class”. Once this practice is in place, the formula for calculation of the economic price should increase the coefficient for members of national minorities due to higher costs that the educational process requires (e.g. for teaching materials, computer programs, professional improvement of teachers, etc.).

It is necessary to enable a significant level of autonomy to institutions in adaptation of the central curriculums to the specific needs and circumstances in which education of national minorities takes place. This should not just be the case in relation to existing supplements to the national group of subjects, but in the adaptation and supplementing of curricula that would be done in every school (e.g. putting greater emphasis on inter-culturalism and respect of diversities in the subject of civic education).

In addition to further development of special programmes for the subject ‘*Language of national minority with elements of national culture*’, it is necessary to produce an adequate curriculum for the Serbian language as a non-mother tongue. This would imply a differentiated program of the subject, which would take into consideration the specifics of local circumstances where the language is learnt and where it could be learnt modelled on the learning a foreign language, relying on the communicative-experiential method, which starts from practical things pupils will need in everyday life. To that effect all the lessons learnt from the projects that would be implemented in this area by the government authorities, national councils of national minorities, and international organizations should be taken into account.

Bunjevac and Vlach languages were not recognized on the occasion of the ratification of the European Charter and do not enjoy its protection. It is necessary to work on the standardization of the two languages and ensure equal rights to education to the members of Bunjevci and Vlach national minorities.

It is an obligation of the state is to ensure availability of textbooks in the languages of national minorities that would adequately reflect the needs of national minorities and eliminate obstacles to the exercising of the right to education in minority languages. The latest solutions in the Law on Textbooks will result in the existence of at least one textbook for every subject in every class. However, this commitment should also provide for the possibility of having a choice of textbooks for pupils who receive education in minority languages. To this effect the procedures for provision of textbooks in the languages of national minorities should be simplified and incentives should be developed to increase the production of textbooks. It is also necessary to work on providing highly qualified teaching staff in schools and to speed up the procedure of recognition and validation of diplomas.

The existing capacities of teacher education institutions need to be networked and cooperation between universities in Serbia and universities in neighbouring countries established, additionally fostering development of language departments (such as the latest good example of the foundation of the Department of Romani Language at the Faculty of Philology in Belgrade). For the requirements of this type of development it is necessary to join the projects of the European cooperation in the area of development of higher education (like the ERASMUS programme). The state should have an active role in launching such development and structural projects.

Government authorities (the Ministry, the Provincial Secretariat, the Institute for Education Quality and Evaluation and the Pedagogical Institute of Vojvodina) should take a more proactive role in providing adequate offers of programmes of professional improvement. Through separate invitations and special projects, creation of new programmes should be supported including particular fostering of cooperation between universities and research institutions with schools in which national minorities are educated. Also, it is necessary to make a systematization of the results achieved through various programmes and projects related to the education in the languages of national minorities and to insist on a greater inclusion of those who have, through the aforementioned programmes and projects, already developed their capacities for support to the instruction in the languages of national minorities. For example, civil society organizations and teachers' associations that have dealt with this topic should be stimulated to develop and accredit programmes of professional improvement of teachers.

It is necessary to review whether there is space to additionally adapt actual standards in education (achievements, quality of work of institutions, competence of teachers and competence of principals) to the specifics of education of national minorities. Special attention should be devoted to increase the number of advisors for education of national minorities in school administrations, who could provide significant expert support to important issues of improvement of the educational process.

Implementation of affirmative measures should be systemically regulated. A special bylaw should regulate a precise and transparent procedure, which will guarantee the purpose of implementation. This implies establishing of criteria for recognition of rights, as well as for establishing of the contents of affirmative measures. An important issue should also be a clear division of powers between the Ministry of Education, Science and Technological Development, the Office for Human and Minority Rights, and national councils of national minorities.

The educational status of members of the Roma national minority is such that it requires special attention of government authorities. In addition to all the measures that are valid for other national minorities, it is also necessary to neutralize the socio-economic deprivation of a significant part of the population of the Roma through a more inclusive approach of educational institutions in order to appreciably improve the participation and quality of achievements of pupils of the Roma nationality. To that extent, a set of measures should be related to the provision of material support to families that have children of (pre)school age for the purpose of inclusion and retention of pupils in the educational system. Further sets of measures related to the work with schools and employees in education should be implemented so that schools could become real inclusive environments with additional resources and efforts and be able to respond to the educational needs of the pupils of the Roma nationality. Certainly, it is necessary to work further on the improvement and precise definition of the system of measures of affirmative action related to the enrolment of Roma pupils in secondary schools (and later in higher education as well) and, through intensified educational and inspection supervision, to insist on strict adherence to legal provisions related to antidiscrimination and provision of quality education for all.

### **3.3. Culture and cultural policy aimed at integration**

When considering the cultural policy of the Republic of Serbia one should particularly bear in mind two objectives of the cultural policy in European Union countries:

The first being: increased equal access to and elimination of barriers to participation in cultural activities and programmes by those who experience poverty and social exclusion; and

The second: strengthening of the contribution that cultural activities and programmes can make in order to reduce poverty and social exclusion.

Although the actual Law on Culture stipulates that the strategy shall be adopted as early as in 2010, this has not happened. It is necessary to adopt the *Strategy of Development of Culture of the Republic of Serbia*, which will take into consideration the values of integration. In this strategy, the model of cultural policy should be applied, which will be integrative. In Serbia, there are two actual models as regards the national minorities: the liberal model of cultural policy, which is implemented by Serbia, and the state-institutional model, which is implemented by the AP of Vojvodina and certain local self-government units. We deem that the state-institutional model is more integrative. It implies that institutions, such as the Assembly of the AP of Vojvodina, enter as co-founders with national councils of national minorities into the foundation of institutions, such as the institutes of culture of national minorities. On the level of local self-government units they enter into co-foundation of theatres, galleries, museums, and other institutions together with the councils. The liberal model surrenders state intervention in the field of culture.

Cultural infrastructure and cultural programmes need to be made accessible to all the social groups. Indicators of integration would hence be the number of staff employed and included in the management and work of cultural institutions, as well as the quantity and character of the available programmes. It is necessary to include members of minorities in administration and work of institutions of culture as bodies of public authorities.

The state needs to build an efficient system of monitoring and evaluation of cultural institutions taking into account the indicators that are important for integration.

It is necessary to reorganize the existing network of institutions of culture; to establish rules for a different allocation of funds in culture as well as the state-institutional model of cultural policy. This also imposes the issue of the holders of that policy, among which regions should also be included as the medium level of authorities that would implement the cultural policy in its territory. Actually, it is necessary to regionalize Serbia in compliance with parameters provided by the EU.

It is necessary to intensify the work of national councils of national minorities in the area of culture. According to the Law on National Councils, they should establish the strategy of development of culture of national minorities, but in practice a very small number of councils have done that. It is necessary to build capacities of councils for strategic planning. This does not imply only professional improvement, but also the raising of professional levels of the work of councils. Councils must have a clearly defined status and measure of public powers (in view of the fact that they are recognized as non-governmental administrations with public powers). Likewise, it is necessary to precisely define the recourses that are earmarked for exercising of those public powers.

It is necessary to intensify the role of two representatives of national councils in the National Council for Culture of the Republic of Serbia in order for them to contribute to the building of integrative cultural policies.

It is necessary to fight against social exclusion and it should be the focus of democratic policies. Social exclusion can be avoided by planning proactive efforts to contribute to the change of mindset, through education and implementation of the integrative cultural policies. Culture provides opportunities to enhance human knowledge about others and to improve mutual understanding through positive encounters. Therefore, it is also recommended to elaborate the strategy of promotion and realization of social integration.

### ***3.4. Media and integrative minority policy, with particular emphasis on obligations of a public service***

The right to dissemination of information to members of national minorities in their languages is one of the key rights focused on preservation of particularities and as such it is protected in Serbia both by local and international laws.

A certain degree of specialization for production of media programmes in the languages of minorities is required, for the creation of adequate staffing and the like. This can also be achieved under the conditions of project financing, on the assumption that legal solutions, and particularly those concerning the obligation to allocate budgetary funds for such purposes, are adapted to real needs.

There is a real threat that, in the “transitional period”, or during the transition to the solutions envisaged by the new media laws, the achieved level of rights in the area of dissemination of information to national minorities may be infringed. In order to avoid this, it is essential to speed up the work on the definition of public interest in dissemination of information in the languages of minorities and to invite projects for this area; to establish or to strengthen in both public services (RTS and RTV), editorial staff in the languages of national minorities and to provide them stable financing; to ensure objective and timely dissemination of information to the members of national minorities, as well as production of content related to culture and education; and to enable participation of representatives of national minorities in the development of programming schemes. Programmes in minority languages should be financed from the sources from which public services are financed, that is from tax, or from subscription fees. Public services, when producing financial plans, are obliged to take account of the needs of the editorial staff of programmes in the languages of national minorities.

The financing of public media services is defined by a special law. All other media, in compliance with the new legal solutions, are to be project-funded or financed by funds and other associations that founded them and which for the financing of current operations of the media cannot count on funds from municipal, city, provincial or Republic budgets.

A public service should become the most important platform for dissemination of information in the languages of national minorities. A lot has been done in Vojvodina in that respect, but Radio and Television of Serbia (RTS) has neglected dissemination of information in minority languages. Also, both the RTS, and other media have neglected the particularly strong role of public media in the promotion of information and knowledge about minorities and their cultures (including languages) inside the majority and other minority communities.

For the purpose of improvement of the current practice and in order to aim at the integrative policy, it is necessary to:

Establish in both public services, or to strengthen the editorial board in, the languages of national minorities and to ensure their stable financing.

The mission of the editorial staff for a programme in a language of national minorities is: preservation and nurturing of languages of members of national minorities; preservation, nurturing, and promotion of national identity and culture; supporting particularities and tolerance; promotion of knowledge, assistance in education, learning, and acquiring of new skills; participation in cultural life of national minorities; stimulation of creativity and innovation; stimulation of entrepreneurship and positive impact on social trends; fostering of solidarity and humanity; promotion of media culture and literacy and helping people to understand the world around them and to adapt themselves to changes in a modern society.

Informative programming in the languages of national minorities should, in compliance with the rules of the journalist profession, ensure objective and timely information about activities of importance to national minorities.

The editorial staff of programmes for members of national minorities in the RTS as the national service must take the central place when electronic media are in question. Therefore, this editorial staff must be the media centre that takes care that national minorities, in these terms, are impartially and adequately presented in the programme of this national house. That means that it is necessary, when forming the editorial staff of a programme for national minorities, to establish a network of media associates with adequate journalists from national councils or societies of national minorities, who would create, produce and propose important events in their respective communities.

Editorial staff responsible for programming in the languages of national minorities should have programme councils that assist in defining programming schemes and editorial policy and through which the influence of national minorities would be ensured. Programme councils should be composed of representatives of councils of national minorities (or some other representatives that the particular national minority envisages), as well as representatives of media associations and societies. Such a composition of programme councils would ensure balance in the work between the needs of national minorities and standards prescribed by the journalist profession. The number of members of a programme council from the ranks of national minorities and the number of members of that council from the ranks of journalist profession (or civil society) would be established by the Managing Board of the public media service. Representatives of programme councils from the ranks of national minorities would be elected by national councils.

Another segment of dissemination of information in the languages of minorities includes local media with regional coverage. The Law on Media excludes the possibility of state ownership of the media, and programmes of public interest, which certainly include programmes in minority languages, can only be project-based financed. So we are talking about financing of contents and, therefore, stimulating the formation of production groups that would produce them; which appears to be a favorable option.

The model of ownership of the media through funds that would be founded by councils of national minorities is progress compared to the existing practice and it can be applied both on the level of the provinces, the Republic and/or municipalities in which members of minorities are the prevailing population, under the condition that clear mechanisms of public control are in place, which would enable as high degree of independence of the editorial policy as possible. In the municipalities in which minorities constitute a relatively small percentage of the population such practice would not be appropriate since local media in the language of the majority people could easily take over and implement projects in minority languages.

One should bear in mind that it is not sufficient to just produce programmes intended for members of national minorities and to broadcast them on a public service, it is important that those programmes are focused on all the citizens who wish to familiarize themselves with the life and problems of national minorities.

### ***3.5. Economic development as the factor of integration of national communities and system of financing of the minority policy***

In order to overcome the problem of social exclusion, or to ensure inclusion of all the citizens and, thereby of the minority peoples as well, successful economic development is of a great importance and within it particularly a low unemployment rate.

Integration of national minorities could certainly be implemented much more successfully if the policy of economic development could be implemented, which would enable Serbia to be: an institutionally and economically developed state with adequate infrastructure, compatible with EU standards, with the economy based on knowledge, efficiently used natural and other resources, highly productivity, a highly educated workforce, a preserved environment and historical and cultural heritage, a state in which there is partnership between public, private, and civil sectors which provides equal opportunities for all of its citizens.

From the aspect of the exercising of rights of national minorities it is particularly important to bear in mind that the social dimension of sustainable economic development is based on the premise that equality and understanding of mutual dependence of people inside the community are the main preconditions for an acceptable quality of life, which is actually one of the main development goals.

For successful integration of all social groups it is necessary to provide education to all people and to enable them to contribute to the progress of the society by their work. Connections inside society are such that any social inequality has impact on its stability. Mutual connections in society also have impact on the acceptance of the fact that the standard of living in society very much depends on the size of the population and its ability to harmonize its needs with the available resources.

That is why the social component of sustainable economic development is very important and, in order to be able to implement development, it is necessary to take into account:

- Equal rights, equality, and security before the law for all; with special attention to the protection of national minorities and respect of fundamental human rights, equal rights of women and men, children, young ones, and marginalized groups.
- Protection and development of new social values and increase of the social capital;
- Provision and promotion of comprehensive protection of health and security of people;
- Proper quality education which creates conditions for individual development and preservation of identity;
- Solidarity inside and between generations, as well as solidarity towards marginalized groups, the poor and the deprived.

In order to realize the vision of sustainable economic development, which is one of the basic preconditions for successful inclusion of national minorities, the key national priorities of the

Republic of Serbia are membership in the EU, development of infrastructure, and balanced regional development, protection and improvement of the environment and rational use of natural resources, growth of employment (or reduction of unemployment) in order to enable people to live on their work based income, as well as social accountability, social balance, and greater social cohesion.

Regional differences in the Republic of Serbia are increasing, which is the result of market and political, demographic, and other factors. The south and east of the Republic of Serbia are in the worst position. All the citizens of the Republic of Serbia, irrespective of the geographical position, national, religious, social or cultural structure, have the right to live in the Republic of Serbia, which stimulates sustainable development and an economy based on knowledge of the entire territory. That is why a special policy stimulating sustainable development of regions is required. Such incentives must be made first of all by improving infrastructure, education, communications, and dissemination of information. Training and re-training of those unemployed should be organized according to the priority of the highest unemployment rates, or according to the state in the organized and gray economy.

Overemphasized disproportionality in the level of regional development has negative consequences on political and economic stability of the country, particularly under the conditions of multinational structure of the population of Serbia. Therefore, there are several goals that are realized by implementing the policy of balanced regional development, such as: providing of approximately equal opportunities for the development of the economy and population in all the parts of the national and state space; better utilization of overall available potentials of the country; reduction of unacceptable differences in the level of development; restructuring of the economy and strengthening of its development performance (both with respect to the self-regulation of development and regarding the diffusion of growth); strengthening of regional cross-border cooperation as one of very important development priorities and opportunities, in view of the geographical position of Serbia; rational territorial division of work between regions and their mutual cooperation based on market principles; preservation of the uniqueness and totality of the economic space; modernization of the structure of economy; preservation of the environment, and the like.

In order to realize the above goals, it is necessary to undertake a series of concrete measures, such as: analysis of the state of development, employment and relative development of the Republic of Serbia by functional regions; comparative analysis of regional advantages, renewable and non-renewable resources by regions, with projections of possibilities to change the actual economic structure and sustainability of development projects; analysis of relative operating costs, the state of the infrastructure, market, state of work force and its presentation to foreign investors; incentives for regional development of the least developed counties by financing sustainable projects based on the use of relative economic advantage; implementation of special projects for training of the work-force and its adaptation to the needs of the labour market (particularly counties and municipalities with the highest unemployment rate) in order to productively employ and to retain the younger and qualified work force; stimulation of development of the cooperative movement which died away in Serbia in the past decades.

Strategic goals in the areas of regional and local sustainable development include: decentralization while applying the modern concept of regionalization and socio-economic approach; building and strengthening of the new system of division of powers between different vertical levels of power; strengthening of the concept of regional competitiveness and interconnection; reduction of imbalance in regional development; inside regions and between

village and city; development, proper quality and continuous improvement of utility infrastructure; protection and use of natural resources managed by local self-government units in line with the principles of sustainable development by applying economic instruments; creation of better organized and coordinated local authorities, local administration and public enterprises, constant promotion of inclusion of the public in planning and adoption of principles of good practice and sustainable development; development of local economies on the basis of available natural resources and measures to support the promotion of the sustainable use of resources; institutional strengthening of local self-government and raising of the level of knowledge of elected and appointed persons employed in municipal administrations; promotion of development of local management for sustainable development through preparation of local strategic and development plans; polycentric development of a network of settlements and creation of urban regions with a network of medium and small cities and rural settlements.

In the area of local sustainable development the priorities of Serbia should be: the establishment of a system of rights to have local self-government that belongs to citizens and that is compatible with the legislation of the EU and systems of local self-government in the EU and countries in the region; the restitution of the legal right of local self-government units to possess property. It should also be a priority to provide preconditions for the realization of sustainable sources of revenues by local self-government units in the Republic of Serbia which will be used to finance public affairs necessary to satisfy basic common needs and interests of citizens, and training of local self-government units should, with full and substantial participation of citizens, develop their respective strategic plans of sustainable development and to implement them successfully. With their own revenues local self-government units would be enabled to enter into concession and other financial arrangements for the purpose of construction and maintenance of utility infrastructures.

The goal of the economic policy should be employment, growth and the reduction of the unemployment rate, and that is possible only if there is growth in the economy, particularly in the services sector, including the application of knowledge and new technologies. In order to stimulate employment, it is also necessary to undertake concrete measures, such as: stimulation of development of small and medium-sized enterprises; further tax relief; improvement of conditions for attraction of direct foreign investments; macroeconomic stability and increase of exports; completion of privatization; ensuring security in energy supply including increase of efficiency of energy subjects and energy efficiency in the economy; stimulation of innovations and promotion of entrepreneurship, as well as promotion of information and technology.

Special attention needs to be devoted to the development of the cooperative movement, not only in the agricultural activity but also in handicrafts and other sectors of economy. The cooperative movement in Serbia almost died away in the past few decades, and its revival would have a significant positive impact on the development of less developed regions and, thereby on the social inclusion of citizens who live there, including minority nations.

Successful economic development in Serbia to a great extent depends on the introduction, adaptation, and implementation of the principles that dominate in the EU, i.e. an increase of competitiveness that is based on knowledge, innovation and entrepreneurship, which is stipulated in the Lisbon Strategy. That is why the key national priority of Serbia is membership of the EU.

Of particular importance for the successful integration of national minorities is sustainable economic development, the emphasis of which should be on balanced regional development, as

well as growth of employment and the possibility to finance institutions that are important for exercising and protecting the rights of national minorities.

For all the activities related to the protection and exercising of minority rights, it is necessary to form the *Fund for Protection and Exercising of Rights of National Minorities* (hereinafter: the Fund), which would have sources of funds, primarily from the budget the Republic of Serbia (a certain percentage from the budget that would be earmarked for this purpose), as well as from other sources, such as donations, philanthropy, etc.

From this Fund, the work of national councils would be financed, and the lack of infrastructure would be constructed in settlements where the minority peoples live, such as water supply, waste water treatment, local roads, and the like.

From the Fund, programmes of development of entrepreneurship should also be financed for the purpose of development and strengthening of micro, small, and medium-sized enterprises and strengthening of their competitiveness in undeveloped municipalities where the minority peoples live. For that purpose development of clusters should be stimulated.

Finally, which is of particular importance, from this fund, numerous projects in the areas of culture, education, and everything that contributes to the emancipation and social inclusion of a minority nation would be financed.

### **3.6. Management of demographic development, migrations and integration of migrants**

In the formulation and implementation of the policy of management of demographic development one should consider that the demographic development of the autochthonous population is a much greater problem than the migrants and their integration. Stimulation of demographic growth of the domestic population (the majority and minorities) is, on a long-term basis, the most significant problem with serious economic implications.

The adopted relevant strategic documents define that the stationary population, i.e. population in which the following generations will be of the same size as the previous ones, is the main objective of sustainable development of Serbia. Implementation of sustainable development of Serbia implies: measures related to all the three spheres of demographic development; fertility level, life expectancy, and migration. Economic development, investment in health care, educational, and ecological programmes, as well as promotion of a post-materialistic system of values are common priorities, and measures to change the methodology of population census, particularly to provide bilingual census documents and balanced representation of members of national minorities in census commissions.

The representatives of government authorities are invited to apply a flexible approach to population census and use of data obtained by the population census.

In pursuing a minority policy, in addition to the data obtained from a population census, government authorities should, when creating public policies, use sources of data on population (independent research works, assessments of domestic and the EUROSTAT, surveys, etc.).

Within the shortest possible time, the results of the assessment of the number of the members of the Albanian national minority in the Republic of Serbia, which was made in 2015, in cooperation with the OSCE and the EU, needs to be published.

Although any family planning programme includes a significant number of measures, the basic number of measures is always smaller. Their establishment and implementation would lead towards birth-rates of the desired number of children in all the ethnic communities in Serbia. The following measures could be the basic core of a better demographic development of Serbia in the sphere of its birth-rate: definition of concrete programmes for faster and easier employment of the youth, particularly young women; adaptation of the number and methods of work of institutions for preschool education to the needs of parents; development of a network of easily accessible (economically and location-wise) services to mothers in house-keeping and child-care; introduction of education for the preservation of reproductive health of adolescents in school curricula; activation of a health care system to impact on the promotion of efficient contraception and improvement of the quality of health care during pregnancy and delivery.

A positive migration balance is the objective which the Republic of Serbia must attain. This requires opening a debate within the professional and political circles and identifying potentials of integration of migrants in development programmes for recovery of the country, including demographic revitalization.

Integration of new minorities in terms of foreign workers, refugees and asylum seekers from other countries who have taken residence in Serbia is a long-term and two-way process of mutual adaptation of the immigrant and domestic population. Serbia has experiences with inflow of a large number of refugees and internally displaced persons. These experiences, the formed relevant legislative and institutional framework, and examples from the practice of traditional immigration countries, are a good staging area for identification of the trends of measures for integration of foreigners. They include:

*Better data on the population of foreigners:* until the central register of the population is set up, it is necessary to form a single system of collection and exchange of data on migrations between competent authorities of the government administration. This is recognized in the *Law on Management of Migrations*, but it is necessary, through bylaws, to precisely define the competences of individual government authorities with respect to the type of data they collect in order to ensure mutual harmonization and to raise the level of the quality of data;

*Learning the Serbian language:* Speaking the language of the host country is the precondition for knowing about the rights and obligations of foreigners, their employment and overall integration into the society. Hence it is important to organize for foreigners free basic courses for learning the Serbian language, as well as those focused for the learning of professional terminology when it is required in the case of highly qualified professionals;

*Active employment:* According to the law, a foreigner having residence and work permits can apply to the National Employment Service and thereby he/she acquires the same rights same as our citizen. These rights relate to counseling and access to jobs, educative programmes and subsidies for employment. Women migrants who get residence permits on the basis of merging of the family require special attention, because it does not enable them access to the labour market, this is another issue that needs to be resolved;

*Integration in the educational system:* Foreigners have the same rights, according to the law, to education under the same conditions as in the manner stipulated for citizens of Serbia. There are different models of integration of migrants in the educational system of the host country that depend on many factors. The model, which implies inclusion of a child or adolescent in regular schooling with all the special support they need, yields good results. Special additional education of teachers is necessary;

*Supporting environment:* In parallel with the implementation of measures for the integration of foreigners, it is necessary to create a positive climate towards immigration, to develop tolerance and acceptance of immigrants in Serbia. It is important that immigrants know what is expected of them and what they can expect throughout their state of admission. Further, mitigation of challenges related to integration implies periodic conducting of qualitative surveys with persons who work with immigrants, as well as with actual immigrants in Serbia.

In addition to the enumerated directions of measures that are intended, first of all, to the integration of foreigners, it is important to *support transnational entrepreneurs* through migration and the development of strategies of the state.

### **3.7. Role of political parties**

Political parties have a particularly significant role in the process of integration, because by their political activity they have a great influence over the creation of an intercultural society by promoting particularities and tolerance. Political parties can represent primarily the interests of the majority community, interests of national minorities, and interests of both minority and the majority community. In case of Serbia, parties are most often mono-ethnic.

In the legal system of the Republic of Serbia there are measures that make it difficult for representatives of national minorities to represent the interests of a national minority in the National Assembly and in local assemblies and thereby in the authorities of the executive power and public institutions as well. We are talking about the so-called “natural threshold”, which is not an affirmative measure but a real obstacle to the exercising of the right to political representation of national minorities. This measure is, under certain conditions, of assistance only to political parties of numerous and territorially homogenously residing national minorities. Providing an “affirmative” measure that would ensure real representation of the interests of minorities in the representative bodies at all the levels of power is the precondition for the “depolicization” of minority self-government units. “Affirmative” measures should also include reduction of the number of founders of political parties of national minorities (1000, according to the current law); for all the registered political parties full revocation of the obligation to collect the so-called signatures in support (10,000 for the Republic and Provincial list and 30 witnessed signatures for one MP) of an electoral slate or a party as a precondition for participation in elections; however, if this requirement is retained, then the number of signatures in support must be reduced for political parties of national minorities to a number that would be proportionate to the size of the national minority, consequently, different numbers of signatures for different national minorities; introduction of a reserved seat in an assembly for numerically small national minorities. In the case of regionalization of Serbia, the option should also be examined to have the National Assembly organized as a two-chamber system where the upper house – the house of regions and communities – would enable representation of regions and national minorities, such as the Senate in the Parliament of Italy.

It is necessary to eliminate the consequences of poor management of multi ethnicity. For the beginning, a clear narrative and normative basis for representation of interests of national minorities and affairs which are administered by minority self-government units should be established.

### **3.8. Role of the leaderships of national minorities**

Integrative minority policy is only one of the segments of democratization. Thereby, it is not only in the hands of the political elite of the majority or authorities, although the role of political leaders is particularly important. There is no democratic minority policy if it does not include active participation of leaders of minority communities. They must have a strategy of approach and demands related to the efforts to defend their rights. It is important that inside national minorities there is a democratic legitimacy of their representatives (leaders), but also mechanisms limiting any kind of arbitrariness. Likewise representatives of minorities should have the opportunity to participate in the process of taking of political decisions on all the levels; primarily those that are related to national minorities.

Minority leaders must properly and timely present their demands to the general public and competent authorities. Leaders should also incorporate their specific demands within the context of the “wider community” and build a climate of inter-ethnic trust.

For the establishment of the democratic minority policy it is particularly important to include the majority of minority leaders and organizations, including minority political parties that were a part of the opposition and active in dismantling of Milošević’s dictatorship. Also included should be representatives of minorities, particularly Hungarian and Bosniak, who participated in the government authorities at the highest positions, and had direct influence on the creation and implementation of the minority policy. This also intensifies the responsibility of minority leaders to establish a democratic minority policy.

## **4. The Roma**

The Roma are economically and politically the most threatened ethnic community in Serbia, and their exclusion from society is the best indicator of discrimination and the particularly high degree of social and ethnic distance with respect to this minority in all aspects. Key areas in which this is manifested are education, employment, housing, health care and social protection, participation in cultural life, dissemination of information, and political activities.

In normative terms, legal and institutional grounds for regulation of the position and integration of the Roma minority have been set by adoption of a great number of laws and strategies, but this is just the precondition and the first step on the path towards the actual solving of accumulated problems of this ethnic community. Generally, basic preconditions for better inclusion of the Roma in society were created by adoption of the Strategy for Improvement of the Position of the Roma (2009), but still numerous systemic and long-term problems remain in the issue of efficient management of the process of social integration of the Roma.

It is important to say that certain results in the area of improvement of their status have been achieved. Thus they have been enabled the following: easier registration in the registers of birth and registration of residence, obtaining of personal documents (the issue of the so-called invisible persons), and the right to health insurance for without a permanent place of residence. At the same

time, the number of the Roma children who are included in the system of preschool, primary and secondary education (introduction of pedagogical assistants) has increased, and even in university instruction has increased. Related to the improvement of the position of women, certain measures have been undertaken for improvement of participation Roma women in political and public life, as well as measures stimulating gender equality, tolerance and the fight against prejudice and stereotypes. The required funds for improvement of dissemination of information on the Roma national minority in printed and electronic media have been secured for the promotion and preservation of the Roma culture, for increased dissemination of information to the Roma on political participation, as well as for the programmes of internship of youth within government authorities and local self-government and support to local Roma coordinators.

Despite the undoubted progress that has been made related to the improvement of the position of the Roma, still sufficient preconditions for socio-economic integration, reduction of poverty and realizing of substantial equality of citizens of this nationality have not been created, and their remains a large inequality gap between the Roma population and the rest of the population. In this respect, in the area of employment of the Roma, almost nothing has been achieved. Gray economy and collection of secondary raw materials are still the basis of the subsistence of numerous Roma families, and the majority of the Roma have never been invited to a job interview and measures that stimulate self-employment and subsidies to employers have not yielded tangible results. In the area of housing, affirmative measures have not been legally established, a database has not been established, nor have the living conditions in the Roma settlements been improved. As to education, adequate measures of so-called “positive discrimination” have not been established either, there are no records of the number pupils of the Roma nationality and the development of a system of monitoring their success at schools, (including full inclusion and continuity of education for Roma children) has not been achieved, and the segregation and discriminatory behavior towards them are still present. Affirmative measures in the domain of health-care have not been implementation, due largely to the specific lifestyle of the Roma. The recognition of the right to health insurance is differently treated and an adequate access to health care has not been provided to them. Concerning the issue of social protection, the capacity of government authorities for the provision of integration of the Roma are still undeveloped, for example the unregulated status of the Roma coordinators aggravates access of the Roma to public institutions and centers for social work deal only with individual applications. And finally, in the matter of the reintegration of the Roma returnees on the grounds of readmission agreements, action plans have not been adopted nor adequate mechanisms established, neither have sufficient funds been provided.

In the recommendations of the EU related to the material status of the Roma, the importance of education is identified, specifically the need to provide equal educational options for the Roma children for the purpose of eradication of discrimination in schools, and to provide teachers and other expert staff adequate training in the area of multicultural education. Some other recommendations include the introduction of so-called “positive discrimination”, in order to increase the quality and efficiency of education of the Roma, and the elimination of the practice of referring Roma children to special schools or classes for children with developmental disorders. Covering the costs of education (textbooks, etc.) is also proposed as well as measures for the education of adult persons (particularly women) and professional education of the Roma.

In the area of labor, employment, and social policy, active policy of employment of the Roma implies additional education and training (trainees/interns, volunteers, re-training, and other), subsidies for self-employment (assistance to start own business), subsidies for new job creation (by

allocating one-off funds to employers) and public works (as a specific temporary engagement of unemployed persons). In view of the still high illiteracy, low levels of education and qualifications of the Roma, the focus of attention should be on various forms of support for acquiring qualifications and training, and particular emphasis should be placed on employment of the Roma women. Concrete measures and activities are also necessary in the area of improvement of living conditions: full enjoyment of social protection and health care; improvement of the position of women; dissemination of information; culture; political activity; and combating all forms of discrimination.

Sustainable social integration of the Roma presumes multidisciplinary, coordinated, transparent, long-term, rational, and efficient strategic planning, implementation and monitoring of desired changes, with inclusion of all the competent government authorities and subjects. Therefore, it is of a great importance to create a “critical mass” of educated and trained people, who would be capable to fully take part in future social and economic activities. Despite extensive and quality normative regulations, in Serbia the rights of minorities are not fully and consistently respected in practice and, therefore the conclusion drawn is that in the forthcoming period the main task is to improve the state minority policy and to make it additionally integrative. As to the implementation and monitoring of social inclusion of the Roma, insufficient accountability and professionalism of institutions that are in charge of establishing of adequate mechanisms is particularly evident, so that, in compliance with the presented state and assessments, the priority must be the adoption and implementation of concrete measures focused on the efficient implementation of the Strategy for Improvement of the Position of the Roma and other strategies, action plans, and laws. In this context, it is necessary to provide sufficient social and political support, all the required institutional prerequisites and mechanisms for implementation of the process of integration. Additionally experts in this area should be engaged, and programmes and financial coordination with international institutions initiated. Finally, funds should be provided from the budget for the implementation of the programmes of integration of the Roma. In such a way, prerequisites would be provided for long-term solving of existential problems of the Roma, first of all in the areas of housing, education, employment, health care and social protection, as well as in the area of respect of particularities, development of intercultural values and nurturing of cultural identity of the Roma.

## **5. Bilateral relations with neighboring countries and the problem of the so-called new minorities**

A regional approach to the issue of minorities is of a great importance. This particularly applies to the territory of the former Yugoslavia, in which, after the disintegration of the SFRY, considerable segments of the peoples who had formerly lived in a unitary state became minorities in the newly created countries. This was, often, followed by violation of fundamental human rights, group and individual, physical and political persecutions, ethnic cleansing and violation of fundamental human and minority rights. Therefore, it is necessary to meet numerous prerequisites in the regional framework, which does not depend only on events and political will within the newly created countries but also on the international community. The most important among those prerequisites are:

- Stabilization of peace in the territories of B&H, Kosovo, Serbia, and Macedonia;
- Resolving of open issues related to the internal legal regulation of the status and protection of freedoms and rights of minorities, including adoption of new basic acts on the rights of minorities;
- Provision of international guarantees that, in the entire Region, minimum common standards of minority policy will be established, and, if required,
- International mediation in the regulation of particularly delicate issues, such as, for example, dual citizenship.

It is necessary for the authorities of Serbia to make further steps in order to have the status of “new” and other minorities regulated adequately to structure and needs, as well as to the ideals of democracy. Such steps include adhering to the following premises: constitution of Serbia as a state-nation, and not as nation-state based on the ethnic principle; respect of particularities of every ethnic identity, as well as overall multi ethnicity; respect of human and minority rights and harmonization of standards on the level of the community of Serbia; cooperation and joint decision making of a minority and the state; strengthening of regionalism and autonomy in most diverse forms, while raising the importance of local self-government; efficient management of conflicts of interest as well as of ethnic conflicts.

A lot of time will pass until the full integration of minorities in the countries of the former Yugoslavia, but the following arguments are in favor of the need for and positive outcome of this process:

- Firstly, the problems of minorities are directly related to the inter-state relations, because numerous minorities have their 'parent countries' in the neighboring countries. This relationship is particularly burdened by victims and grave consequences of recent war conflicts and is directly related to advancement of the process of reconciliation. This particularly applied to the relations of Serbia with Croatia, B&H, and Kosovo. In the example of relations of Serbia and Croatia and B&H this relates particularly to the issue of refugees. For example, from Serbia, over 40,000 members of the Croatian community were forced to leave their homes and emigrate, predominantly to Croatia. The authorities of Serbia are under an obligation to create conditions for their return but at the same time their remains the problem of hundreds of thousands of Serbian refugees who were forced to leave Croatia. Thereby, naturally, the process of normalization of relations between Serbia and Croatia is facilitated and speeded up and more favorable conditions are created for resolving problem of hundreds of thousands of refugees in both countries. The minority policy must also include the measures of reintegration and reconsolidation.
- Secondly, minority issues are connected with national issues, many of which, particularly the Serbian, Croatian, and Albanian, in themselves, are regional, or can be resolved only in the regional cooperation framework. In addition, these issues, together with the Macedonian, directly encroach upon the issues of security and stability of the region. For that, the integrative minority policy must incorporate instruments of respect and early response to increased risks of conflicts in the region.

Minority issues generally are not regional issues. In the Western Balkans, there is no minority regional policy and those issues are not discussed on the regional level. Basically we are talking about a bilateral issue that reviews relationships of two countries. Therefore it is important whether

there are bilateral agreements on the protection of national minorities. The Federal Republic of Yugoslavia had signed and Serbia as a successor took over relevant bilateral agreements for the protection and achievement of minority rights with Croatia, Hungary, Romania and Macedonia. Besides the fact that the mixed state commission do not meet regularly, the implementation of the agreed minutes of their sessions is difficult because they are not binding. The integration and complexity of minority issues is exactly why a specific regional standardization and harmonization of the minority legislation is needed that would contribute to the stabilization of countries and improvement of the position of minorities in the region. This should be done in line with the European solutions and it should contribute to the integration of the countries of the former Yugoslavia in the EU as well. That would contribute to the lowering of inter-ethnic tensions. The first step in that direction is abolishing of discriminatory norms in national legislations.

Regional legal standardization and harmonization are processes that demand long-term efforts, many bilateral and multilateral agreements, as well as assistance from the international community. Thereby the problem of relationships of “new Diasporas” and “new minorities” that have been created by the disintegration of the former Yugoslavia would be put as the basis of cooperation, and manipulation of minorities aimed at destabilization of neighboring countries would be avoided.

## **6. Negotiations of Serbia on the membership in the EU (Chapters 23 and 24)**

Accession to the EU is conditioned by the criteria from Copenhagen. Political criteria are related to stable institutions that guarantee democracy, rule of law, human rights, and respect and protection of minorities. Economic criteria are related to functional market economy and open competition. The criteria from Copenhagen were supplemented, in 1995, by the criterion from Madrid, which is related to the existence of adequate administrative capacities. Transposition of the *acquis communautaire* is the requirement for accession for which the candidates from the Central and Eastern Europe are prepared.

The *acquis communautaire* is not negotiable; only its deadlines and conditions of transposition. The first phase in the negotiations is the so-called screening – the analytical review and assessment of harmonization of the legislation of the candidate country with the *acquis communautaire* of the EU. The purpose of this phase is to establish the *acquis communautaire* as one of the most important legal and political principles of European integration, which is a set of rights and obligations that oblige all the members and interconnect them within the European Union. The jurisprudence of the Court of European Communities has ranked the *acquis* as a constitutional principle.

The term *acquis* is related to overall rights, obligations and dedications of the Community, which have been cumulated by the development of the integration processes, or which the EU has developed to date, i.e. has reached them in legal and political terms. In political terms, the key rule is that legal attainments of the Community are conditions that are non-negotiable. The *acquis*, understood as the overall attainment of the Community, is expanding on a daily basis, it is increased and reproduced. Every country that applies for membership of the European Union must be ready to fully accept the *acquis* and, what is equally important, must be capable of implementing it. The

requirements and methods of acceptance and implementation of the *acquis* are the content of negotiations on the membership in the EU which the candidate country conducts with member countries and for that purpose they are divided into negotiation Chapters. The term ‘negotiations’ is related to the deadlines and requirements for adoption and implementation of the EU *acquis communautaire*.

The existing differences in each negotiation Chapter between the legislation of the candidate country and the EU *acquis communautaire* must be harmonized before the candidate country officially becomes a member. Based on the assessment of the country, a report is made and the Commission adopts the negotiation position which is forwarded to the Council for approval. The candidate country also adopts its position for negotiations. In order to facilitate the negotiations, the entire legislation of the EU is divided into negotiation Chapters. Not all the Chapters are negotiated at the same time, but each area individually. Once the agreement in a specific Chapter is reached, it is deemed to be temporarily closed. At the end of the negotiation procedure, when negotiations related to all the Chapters are finalized, all the Chapters are definitely closed and the results of negotiations are included in the draft Accession Agreement.

### **6.1. Action plan for Chapters 23 and 24**

Since Chapters 23 (reform of the judiciary and fundamental rights) and 24 (justice, freedom, and security) are related to fundamental values the EU relies upon, those are the Chapters that are first opened and last closed. Chapter 23 is a new chapter in the negotiations with the EU introduced in the sixth circle of enlargement, which also appeared in the negotiations with Croatia and Montenegro. Examples of the countries such as Croatia, to which similar criteria were set (as to Serbia) in the latest wave of enlargement, may contribute that Serbia better understanding former experiences of member countries and to applying similar or the same methods of implementing the reforms that have been outlined membership requirements.

According to the opinion of the negotiators for accession to the EU, adoption of regulations from the EU and their implementation in the national system is not such a challenge as it is their implementation, or enforcement. Without efficient implementation of regulations they lose their purpose and cannot result in the establishment of a solid order in certain areas of social life and, therefore they remain a dead letter. That is why the EU has mechanisms by which it monitors, not only harmonization of regulations, but their implementation as well and the pace of accession of a country to the EU depends especially on that.

The European Commission, in monitoring reforms in the areas from Chapter 23, has established the following: ...that Serbia needs to make considerable and continued efforts in order to harmonize regulations with the *acquis communautaire* of the EU and to effectively implement in the medium term. “Inter alia” it is also stated that considerable harmonization is required in those areas of the legal and institutional framework and strengthening of administrative capacities and implementation capacities.

The topics from Chapter 23 (in which there are four thematic wholes) which had formerly been within Chapter 24, still intertwine with the topics from Chapter 24. Someone could say that Chapter 24 includes those areas, or topics on which rules have been established on the level of the EU and, in Chapter 23 the themes that we could designate as political issues. As opposed to Chapter 24, where the *acquis communautaire* is quite extensive, those in Chapter 23 for the most part are not

regulated by the European Union in a uniform manner. They consist of international documents and best practices (conventions of the UN, the Council of Europe, etc.), consequently they are binding, but in major part they are so-called *soft acquis communautaire* as well, so that the state in accession must meet certain standards that exist in the EU in those areas, i.e. must follow the examples of good practice. In parallel with this process, the standards that the countries that joined the EU in the last wave of enlargement had to meet are also included.

With respect to the fundamental rights, which are a part of Chapter 23, our legislation and its implementation should be fully harmonized with the Charter on Fundamental Rights of the EU, which has become an integral part of the *acquis communautaire* of the Union as of the Treaty of Lisbon. Also, the implementation of fundamental international documents in the area of protection of human rights is also obligatory – the Convention on Protection of Human Rights and Fundamental Freedoms of the Council of Europe and the jurisprudence of the European Court of Human Rights, as well as numerous conventions that have been adopted on the United Nations level. Negotiations in this area will be focused on several issues in which a need has been identified for further progress: combat against discrimination, protection of national minorities, including improvement of the position of the Roma, freedom of media, prevention of hate crime, access to justice through free legal aid, prison system, protection of rights of women, protection of rights of children, protection of persons with disabilities, rights of the LGBT population, protection of personal data. Chapter 23, within Fundamental Freedoms, consequently includes, inter alia, protection of rights of national minorities.

In the accession negotiations that Croatia conducted with the EU, the most important issues in the area of protection of human rights were related to the protection of national minorities and to the return of refugees. When we talk about the protection of rights of national minorities, the main issue that dominated in this area was representation of national minorities in the government administration and the judiciary. The issues of return of refugees, their housing and convalidation of years of service were also raised.

Chapter 24 of the accession negotiations with the EU includes justice, freedom, and security and, within these areas there are 11 thematic areas which also include the issues of migration and asylum.

## **6.2. Action plan for Chapter 24 (Asylum)**

As specified above, Chapter 24 includes 11 thematic areas and asylum is one of them. For Chapter 24 there has been an Action Plan in place since January 2015.

The issue of asylum has become particularly topical in Europe in view of the new migration flows that are the consequence of people threatened with persecution leaving war torn countries in the Middle East and Africa. The Balkans seem to be particularly struck by this problem as the region that met the so-called migrant crisis totally unprepared. In addition to the fact that all the issues in this area have not yet been regulated by the law, there are also major institutional deficiencies that result from the fact that Serbia, (as a country of transit in which many migrants from the regions at risk seek asylum) does not have the capacities to resolve this problem.

One could say that the actual European Union was not ready for this crisis. The creation of the common legislative framework of the European asylum system is still under way, which means that Serbia as a candidate country must follow the pace of creation of the *acquis communautaire* of the

EU, which is amended and supplemented throughout the negotiation process. It will have to subsequently get into line with those legislative solutions. In the EU regulations there are common standards, which must be applied to asylum seekers in all the member countries of the EU – establishing the status of asylum seekers, the procedure of decision making on the applications for asylum, as well as standards for temporary protection in case of a massive inflow of people.

Upon their entrance in the territory of the European Union, the Dublin III Regulation will be applied to asylum seekers, which regulates the competence of a specific state to decide on an application for asylum. Also in the asylum system of the European Union there is the information system – EURODAC created in order to facilitate joint actions of EU member countries. This is the system in which fingerprints of asylum seekers are entered, in order to prevent them from reapplying again in other member countries of the Union.

The legislative framework in the area of asylum in the Republic of Serbia is partially in compliance with the *acquis communautaire* of the EU. However, there are areas that are not in compliance with the EU directives and that must be further harmonized with the *acquis*. They are related to access to the procedure for asylum, registration of asylum seekers, definition of some terms that exist in European asylum rights, as well as the actual procedure of asylum.

Also, Serbia is not in a position to apply the Regulation (EC) No. 2725/2000 or the Regulation of the Council (EC) No. 407/2002 on setting up of the EURODAC system for comparison of fingerprints, or to apply the Regulation of the Council (EC) No. 604/2013 on the criteria and mechanisms for designation of member countries competent to examine applications for international protection submitted in member countries by a citizen of a third state or a person without citizenship (a stateless person) – the Dublin Regulation. In 2013, Serbia set up an electronic biometric database using fingerprints and photographs within the Ministry of the Interior. The collected data are sent in an electronic recording, which is compatible with the EURODAC system.

In the Action Plan for Chapter 24 there are six recommendations for Serbia in the area of asylum: The first recommendation is related to the establishing of a permanent first instance body (the Asylum Office); the second recommendation is related to the provision of all the necessary administrative capacities that will be able to review an increased number of applications for asylum; the third recommendation is a sustainable solution for permanent accommodation capacities for which there are transparent criteria for enabling constant verification of the criteria of the existing asylum centers; in addition to these specified recommendations, one of the most important ones, under number four (4) is the further harmonization of the legislation with the *acquis* in the area of asylum including effective mechanisms for law enforcement. This is first of all related to adequate and effective processing of applications for asylum, as well as to effective access to the asylum procedure; additionally for persons who have been granted asylum, it is necessary to ensure integration in the society, which is also one of the requirements (recommendation number 5), this implies, inter alia, courses in the Serbian language and effective access to the labor market; the last recommendation in this area speaks about the making of the assessment of administrative capacities, requirements for training and infrastructure, and preparation of analyses assessing as to what is additionally required with regard to the technical requirements in order to realize cooperation within the EURODAC system and the Dublin Regulation. It is also necessary for Serbia to create capacities for cooperation with the European Asylum Support Office, as well as to use the funds for asylum, migrations, and integration if necessary up to the date of accession to the EU.

Up to now, the non-governmental (NGO) sector has submitted their respective opinions, or critiques of action plans. The NGO sector deems that it is necessary to better define the protection

of rights of citizens in action plans for Chapters 23 and 24, and points out that it is important to set the deadlines and costs realistically so that the planned activities could yield the desired results. Some government authorities have also pointed to the same things, such as the Republic Public Prosecutors' Office.

The intention of the negotiating working group for Chapter 24 is to report on its work twice a year not only to the Government of Serbia and the European Commission but also to civil society organizations and the public, by publishing documents on the website of the Ministry of the Interior. The NGO sector pointed out that it is important to adopt guidelines that will enable all the ministries and working groups for negotiation Chapters to consistently include civil society in their work in the negotiating process.