



*Best Practices for Roma Integration*  
Regional Report on Anti-discrimination  
and Participation of Roma  
in Local Decision-Making



Funded by the EU



Implemented by  
**OSCE**  
ODIHR





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*May 2013*

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# Foreword

This report focuses on two core subjects addressed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) – the fight against discrimination and participation of Roma in decision-making. It represents a collection of good practices initiated by local self-governments, independent institutions, civil society and other stakeholders that have direct impact on the living conditions and integration of Roma.

The report was produced within the project “Best Practices for Roma Integration in the Western Balkans” (BPRI) which is funded by the European Union and implemented by ODIHR. The project exemplifies how co-operation between international organizations can raise awareness about existing good practices and promote cross-border co-operation.

While many governments have succeeded in developing and adopting national strategies for improving the situation of Roma and Sinti, there are substantive shortcomings with regard to their effective implementation, in particular at the local level. The issues of discrimination and low levels of Roma participation in decision making affect their integration in all spheres of life.

Given the precarious position of the Roma minority in the Western Balkans and increased international attention to the importance of social integration, the publication of this report is timely. It offers a comprehensive analysis of what works and why. A sustainable solution for Roma calls for full co-operation by national governments, local authorities, other key players and of course Roma themselves.

I am convinced that this report will contribute to the dissemination of good practice among all stakeholders, including decision-makers working for the social inclusion of Roma.

**Judith Kiers**  
Project Manager, BPRI



# Executive summary

## Approach

This report was produced within the framework of the project “Best Practices for Roma Integration” (BPRI) to support the sharing and replication of local-level good practices in the areas of anti-discrimination and participation of Roma in decision-making in the Western Balkans, including Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. Good practices of this type in Kosovo are also included.\* To this end, the report reviews and describes relevant initiatives in the region.

This report focuses on good practice at the local level, though the activities of central institutions with Roma communities at the local level are also included. This choice of focus stems from the understanding that the comprehensive integration of Roma is possible only through effective initiatives at the local level.

BPRI hopes that the good practices examples identified in this report will inspire more action for the inclusion of Roma throughout the Western Balkans. Through complementary activities, BPRI is supporting the exchange of experience and will use this report to raise awareness about good practices in the field of anti-discrimination and participation of Roma in decision-making at the local level.

The identification of good practice takes into account the following criteria:

- \* Explicit (but not necessarily exclusive) focus on of Roma;
- \* Direct focus on anti-discrimination and/or participation of Roma in decision-making;
- \* Presence of design elements that can be expected to contribute to integration rather than to assimilation or segregation of Roma;

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

- \* Attention to issues of gender (both non-discrimination against Roma women and promotion of Roma women’s participation on an equal basis);
- \* Co-ordination and coherence with other policies at the regional and/or local levels, as well as at the central level, while taking into account the needs of the local Roma community
- \* Addressing multiple aspects of a given issue in a holistic approach;
- \* Participation of Roma in programme design and implementation;
- \* Institutional and financial sustainability; and
- \* High likelihood of producing multiplier effects.

## Findings: Anti-discrimination

Fundamental principles of anti-discrimination are embodied in Western Balkan constitutions, as well as in legislation and strategic documents on minorities, gender equality and Roma. While similarities outweigh differences among central government initiatives for anti-discrimination, initiatives generated at the local level exhibit a greater degree of variety.

Of the 14 examples of good practice at the local level in the area of anti-discrimination identified in this report, seven relate to local-level outreach by human rights institutions established at the central level. Such outreach is particularly important for Roma living outside capital cities, for whom travel costs may be prohibitive and communication with central institutions intimidating, difficult or both for reasons of education and/or language barriers. In addition, the fact that the institutions undertaking the outreach are accountable to the government presumably makes them less susceptible to influence from local-level politics.

Four additional examples of good practice in the area of anti-discrimination concern children and youth. Whereas the focus of two such initiatives in Albania on children at risk of exploitation and/or trafficking reflects the scope of the problems of child exploitation

and trafficking among Roma and Egyptians there, the example from Croatia addresses concrete instances of discrimination against Romani, Ashkali and Egyptian children in connection with access to education. An example from Kosovo addresses these same issues. The remaining three examples of good practice in the area of anti-discrimination are designed primarily to address the situation of Roma women, who often experience multiple discrimination on the grounds of both ethnicity and gender.

### **Findings: Participation in decision-making**

Attention to issues of equitable participation in decision-making is enshrined in constitutions and in legislation on elections, minorities and gender equality in the Western Balkans, as well as in strategies and national action plans for Roma. As is the case with anti-discrimination, initiatives generated at the central level to promote participation in decision-making vary less than do locally-generated initiatives for this purpose. On the other hand, there are arguably both more good practices and more variation within the body of local-level good practice in the area of participation in decision-making than in the area of anti-discrimination.

Five of the 17 identified examples of good practice at local level in the area of participation in decision-making relate to the development, adoption and funding of local and regional plans for Roma. Recognizing the potential of local action plans to bring tangible benefits to Roma, BPRI has supported the development of local action plans in Montenegro and will draw on the project's experiences there when undertaking similar activities in Albania.

Occasionally employment of Roma in local administrations as focal points for issues affecting local Roma populations is combined with the development and adoption of local action plans for Roma. Selected municipalities in the former Yugoslav Republic of Macedonia, and Serbia offer positive examples of engaging Roma focal points on a long-term basis. Local focal points serve to facilitate access to mainstream services rather than to replace such access. This positive example of engaging focal points is also found in Kosovo.

Five of the other examples of good practice in the area of participation in decision-making link Roma participation in decision-making with support for improving various aspects of the situation of Roma communities in co-operation with local authorities. Other examples of

good practice in this area focus on the representation of Roma in official institutions.

### **Recommendations: Anti-discrimination**

The recommendations below are an attempt to distil lessons-learned from good practices in the Western Balkans, as well as from less successful ones, into guidelines for designing local-level good practices in the area of anti-discrimination.

1. Derive local policy and practice from central government anti-discrimination policies;
2. Raise awareness about discrimination as a problem and about the means for combating it;
3. Prioritize local outreach by centralized anti-discrimination institutions over the establishment of new, local institutions;
4. Streamline procedures and access to remedies for discrimination so that they take into account the often difficult and complex legal situation of Roma; and
5. Address the multiple types of discrimination faced by Roma women and girls.

### **Recommendations: Participation in decision-making**

Like the recommendations in the area of anti-discrimination, those that follow draw on both successes and failures of relevant initiatives in the Western Balkans to date with an eye to generating good practices at the local level.

1. Build Roma participation into initiatives that affect Roma directly;
2. Plan policies to address local community needs while taking into account priorities set at higher levels;
3. Secure funding for implementation;
4. Promote growth in the pool of capable interlocutors through targeted training programmes and long-term investment in education; and
5. Ensure the sustained and active presence of Roma women in decision-making.

# Introduction

## 1.1 Purpose and structure of the report

This report has been produced within the framework of “Best Practices for Roma Integration” (BPRI), a project implemented by the OSCE Office for Democratic Institutions and Human Rights in the Western Balkans in 2012 and 2013 with funding from the European Union and OSCE participating States for the purpose of contributing to the integration of Roma in the region. Targeting Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, the project seeks to provide assistance toward delivering on commitments made as OSCE participating States and with an eye to joining the EU. The project is also aimed at contributing to the integration of Roma in Kosovo.

BPRI has four main components:

1. Participation in political and public life and decision-making;
2. Support to governments for legalization of housing and settlements;
3. Combating discrimination and promoting visibility for Roma communities; and
4. Regional co-operation.

The purpose of this report is to support the sharing and replication of local-level good practices in the areas of anti-discrimination and participation of Roma in decision-making. To this end, the report reviews and describes relevant initiatives in the Western Balkans.

The two main parts of the report, which treat anti-discrimination and participation of Roma in decision-making, respectively, are similar to one another in structure, beginning with an examination of how the section theme is addressed in the Western Balkans by policies and initiatives at the central level. This includes, but is not limited to, the centralized strategies for Roma, the Decade Action Plans and legislation. Subsequent parts move to a similar examination of how the theme

is addressed by policies and initiatives at regional and local levels. The final sections of each of the two main parts of the report focus on good practices, with a regional narrative of good practices followed by summaries of individual good practices.

The report concludes with recommendations aimed at making anti-discrimination more effective and increasing the quantity and quality of Roma participation in decision-making at the local level.

## 1.2 Methodology

### *Methods used*

The two main methods of data collection used in preparing this report were desk review and interviews, with the research conducted in two phases. The initial phase of the research combined review of BPRI project documents with introductory meetings with BPRI National Project Officers (NPOs), as well as with the Regional Co-ordinator, Project Officer and Project Manager. The main purpose of this phase was to orient further research by identifying relevant documents for review and stakeholders to interview. The results of the mapping conducted in the framework of BPRI in the first half of 2012 were consulted to gain a preliminary overview of relevant activities in the areas of anti-discrimination and participation of Roma in decision-making, as well as of localities in which such activities have been, are being, or will soon be implemented. This preliminary overview formed the basis for introductory meetings with National Project Officers and the Regional Co-ordinator, which allowed fact checking and identify stakeholders able and willing to provide needed information.

The second, main phase of the research consisted of desk research in parallel with interviews with stakeholders external to the project. The desk review covered legislation, policy documents and reports on relevant centralized policies and initiatives, including, but not

necessarily limited to, anti-discrimination and related legislation, national strategies for Roma and national action plans adopted in the framework of the Decade of Roma Inclusion. Local action plans for Roma and other relevant documents generated locally were also reviewed. Whereas the primary purpose of the interviews with external stakeholders was to gather perspectives from relevant actors on practices in the areas of anti-discrimination and participation of Roma in decision-making, the interviews also provided an opportunity to seek additional documents for review.

The BPRI NPOs and Regional Co-ordinator, Project Officer and Project Manager suggested potential external stakeholders to provide information on good practices for inclusion in the report. The majority of the stakeholders selected for semi-structured interviews were members of the following categories:

- \* Officials whose main roles include activities directly related to centralized anti-discrimination (including but not limited to ombudspersons);
- \* Local officials whose main roles include work with local Roma communities;
- \* Representatives of international organizations implementing and/or supporting initiatives in the areas of anti-discrimination and/or participation of Roma in decision-making; and
- \* Representatives of domestic non-governmental organizations with a role in designing and/or implementing initiatives in the areas of anti-discrimination and/or participation of Roma in decision-making.

### Identifying good practices

The process of identifying good practices among the larger number of practices examined in this report takes into account the criteria below. Here, it is important to note that no single criterion on the list constitutes a necessary or sufficient condition for inclusion in this report as good practice. Also, all practices examined in preparing this report were assessed on their own merits. While this makes for a degree of subjectivity in the identification of good practices, all of the good practices presented in Sections 2.3 and 3.3 address at least two of the criteria, with most addressing three or more. Moreover, the report intentionally focuses on good practice at the local level, although the activities of central institutions with Roma communities at the local level are also included. This choice of focus stems from the belief that comprehensive integration of Roma is

possible only through effective initiatives at the local level.

- \* *Explicit (but not necessarily exclusive) targeting of Roma.* The inclusion of this criterion is a reflection of the principle that Roma, as a vulnerable group, require attention early in the process of designing policy. Moreover, the risks of exclusive targeting in other spheres (e.g., social assistance, housing) arguably do not apply in the areas of anti-discrimination and participation in decision-making.
- \* *Direct focus on anti-discrimination and/or participation of Roma in decision-making.* In light of the relationship between the themes selected for this report and the specific objectives of the project, this report treats initiatives in thematic areas other than anti-discrimination and participation in decision-making only to the extent that they also address these primary areas. The main reason for this criterion is organizational: to distinguish between the research for this report and other research undertaken within the framework of BPRI. In practice, this means that the report does not include some good practices that are no less important than those included in the report, particularly in the areas of education and health.
- \* *Presence of design elements that can be expected to contribute to integration rather than to assimilation or to segregation of Roma.* In order to qualify as good practice, an activity should neither form barriers between Roma and non-Roma, nor address the problems faced by Roma at the expense of their identity as Roma.
- \* *Attention to issues of gender (both non-discrimination of Roma women and promotion of Roma women's participation on an equal basis).* This criterion reflects the importance of efforts to address the multiple forms of discrimination and marginalization that Roma women experience on the basis of both their ethnicity and their gender.
- \* *Co-ordination and coherence with other policies at central, regional, and/or local levels while taking into account the needs of the local Roma community.* While the focus of this report is on local-level good practice, clear links among similarly focused policies at multiple levels are useful from the standpoint of the policies' effectiveness.

- \* *Addressing multiple aspects of a given issue in a holistic approach.* Closely related to the previous two criteria, this criterion takes into account the complex nature of Roma marginalization, which calls for links across policy areas.
- \* *Participation of Roma in design and implementation.* Taking into account that Roma are often those best acquainted with the problems faced in their communities, genuine participation from the early stages is crucial from the standpoint of effectiveness as well as that of ownership.
- \* *Institutional and financial sustainability.* Given that the problems faced by Roma reflect long-term marginalization, addressing such problems cannot realistically be a short-term process. For this reason, it is important that the continuation of activities for improving the situation of Roma be secured. From the standpoint of inclusion of activities in this report as good practice, initiatives that have not met with any support from local, regional or central institutions are unlikely candidates for identification as good practices, no matter how useful the initiatives may be.
- \* *Producing multiplier effects.* This criterion refers to the merits of activities that deliver benefits beyond the circle of direct beneficiaries or in thematic areas other than those directly targeted by the activities in question.

### 1.3 Status of Roma in the Western Balkans

#### *Regional overview*

Throughout this section and in the remainder of this report, references to Ashkali and Egyptians alongside Roma appear, particularly in discussions of Albania, the former Yugoslav Republic of Macedonia and Montenegro. References also appear in discussions of Kosovo. Generally, Albanian is the first language of people who identify themselves as Ashkali and Egyptian. Roma tend to trace their origins to present-day northwestern India and Pakistan from which scholars from various disciplines generally agree that Roma originated.<sup>1</sup> Egyptians trace their roots to Egypt, while Ashkali accounts propose Iran, Palestine and ancient Rome as the Ashkali homeland.<sup>2</sup>

Notwithstanding differences in treatment under previous regimes, however, the situation of Roma, Ashkali and Egyptians throughout the Western Balkans is marked by significant similarities. This situation, characterized broadly as complex and long-standing marginalization, is both cause and effect of a lack of reliable official data on the size of Roma (as well as Ashkali and Egyptian) populations. This lack of reliable data in turn constitutes a barrier to the design of appropriate policy to improve the situation of Roma.

As the more specific overviews that comprise the remainder of this section illustrate in more concrete terms, Roma levels of education are lower than those of the general population, leaving Roma poorly equipped to participate in a competitive labour market even in the absence of discrimination. As a result, Roma tend to fill occupational niches generally viewed as undesirable within the general population, performing part-time, seasonal and/or unskilled labour. The disadvantage remains the area of health, on the other hand, is illustrated by the relative youth of the Roma population, manifested in a combination of high birth-rates and short life expectancy. Roma homes are often illegal structures located in *de facto* segregated settlements, lacking in basic infrastructure and with poor access to public services. While the situation of Roma with respect to representation in elected bodies varies more within the region than in the four priority areas of the Decade of Roma Inclusion (i.e., education, employment, health and housing), the degree to which Roma are represented is generally higher at the local level than nationally. Overall, in light of continuing marginalization, it is arguably not surprising that Roma are mentioned frequently in reports issued by the European Commission in relation to prospects for Western Balkan countries' accession to the EU.

### The Regional Roma Survey

In 2011, UNDP, the World Bank and the European Commission carried out a survey of 750 Roma households and 350 non-Roma households living in or close to Roma communities in 12 countries, including Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. The findings of the survey, a selection from which is reproduced in the tables below, provide insight into the situation of Roma relative both to their non-Roma neighbors and to Roma elsewhere in the region.<sup>3</sup>

TABLE 1. EDUCATION

Country	Literacy (age 16+)		School enrolment (ages 7-15)		School enrolment (ages 16-19)	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Albania	65%	95%	48%	91%	13%	60%
Bosnia and Herzegovina	82%	97%	61%	96%	15%	72%
Croatia	84%	99%	87%	93%	31%	77%
The former Yugoslav Republic of Macedonia	83%	96%	74%	90%	27%	65%
Montenegro	73%	99%	55%	94%	13%	61%
Serbia	85%	98%	80%	95%	25%	71%

TABLE 2. UNEMPLOYMENT AND POVERTY

Country	Unemployment (ages 15-64)		Unemployment (ages 15-24)		Income-based poverty <sup>1</sup>	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Albania	23%	18%	37%	39%	37%	15%
Bosnia and Herzegovina	54%	30%	69%	56%	42%	14%
Croatia	65%	23%	76%	34%	9%	5%
The former Yugoslav Republic of Macedonia	53%	27%	71%	61%	41%	14%
Montenegro	44%	30%	56%	49%	29%	5%
Serbia	49%	27%	65%	50%	30%	8%

### Albania

The results of the Albanian census of 2011 include figures of 8,301 Roma and 3,368 Egyptians, amounting to 0.3 and 0.1 per cent of the total population, respectively.<sup>9</sup> Unofficial estimates of the number of Roma in Albania range from 80,000 to 150,000 (i.e., between 2.5 and 4.7 per cent of the total population), while Egyptian NGOs estimate Egyptians' numbers at more than 200,000 (5.2 per cent of the total).<sup>10</sup> Roma and Egyptians live throughout the country, with the largest concentrations in central and southeastern Albania.

According to data collected by UNICEF in 2007, 62 per cent of Roma between the ages of three and 16 do not attend schools or pre-schools.<sup>11</sup> The UNICEF study also indicated that attendance rates among Roma girls

aged six to nine are higher than those of their male counterparts but drop after age ten.<sup>12</sup> More recently in 2011, a regional survey commissioned by UNDP, the World Bank and the European Commission (hereinafter "regional Roma survey") found that that 48 per cent of Roma in Albania between the ages of seven and 15 attend school, dropping to 13 per cent among Roma aged 16 to 19.<sup>13</sup> The survey also estimated that 65 per cent of Roma aged 16 and older are literate, as compared with a 95 per cent literacy rate among non-Roma of the same age living in proximity to Roma).

Average income per capita among Roma in Albania was estimated in the first half of the last decade as less than a third of that of the non-Roma population, with as much as 80 per cent of the Roma population

TABLE 3. HEALTH

Country	Vaccination <sup>2</sup> (ages 0-6)		Medical insurance		Essential drugs out of financial reach	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Albania	89%	99%	32%	54%	59%	31%
Bosnia and Herzegovina	82%	97%	70%	96%	68%	38%
Croatia	97%	99%	82%	97%	44%	16%
The former Yugoslav Republic of Macedonia	93%	99%	92%	97%	68%	32%
Montenegro	94%	99%	89%	99%	19%	10%
Serbia	93%	99%	93%	93%	66%	32%

TABLE 5. HOUSING

Country	Problematic dwelling quality <sup>3</sup>		No indoor toilet or bathroom <sup>4</sup>		No direct access to potable water <sup>5</sup>	
	Roma	Non-Roma	Roma	Non-Roma	Roma	Non-Roma
Albania	36%	7%	61%	34%	30%	18%
Bosnia and Herzegovina	35%	5%	22%	9%	11%	7%
Croatia	26%	4%	45%	5%	35%	4%
The former Yugoslav Republic of Macedonia	25%	5%	10%	2%	3%	0%
Montenegro	42%	12%	24%	5%	10%	2%
Serbia	38%	10%	39%	16%	22%	12%

1 Purchasing power parity \$4.30

2 The reported rate is the share of children up to age 6 who have received any vaccination.

3 In the survey, this variable is called "Share of the population not having access to secure housing."

4 In the survey, this variable is called "Share of the population not having access to improved sanitation."

5 In the survey, this variable is called "Share of the population not having access to improved water source."

living below the poverty line.<sup>14</sup> The 2011 regional Roma survey, on the other hand, reports the rate of income-based poverty among Roma at 37 per cent, or approximately two-and-a-half times the rate among non-Roma living in proximity to Roma settlements. Survey results published by UNDP in 2006 also indicated that unemployment among Roma is approximately three times that among non-Roma, due to a combination of poor education and discrimination.<sup>15</sup> In contrast, the 2011 regional Roma survey found that the unemployment rate among Roma was not radically higher than among their non-Roma neighbours, at 23 per cent versus 18 per cent.

In the area of health, while vaccination rates among Roma are only slightly lower than among their

non-Roma neighbours (i.e., 89 per cent versus 99 per cent), access to medical insurance is more problematic: less than a third (32 per cent) of Roma are insured, as compared with a small majority (54 per cent) of the non-Roma who live in proximity to Roma settlements.<sup>16</sup> Moreover, 59 per cent of Roma report lacking access to essential drugs.

According to the 2011 regional Roma survey, the quality of their dwelling is problematic for 36 per cent of Roma households, with a majority (61 per cent) lacking an indoor toilet or bathroom. A considerable minority (30 per cent) of Roma households in Albania also lack direct access to potable water.

Roma have neither been represented in Albania's parliament nor received places on the electoral lists of the country's only political party representing national minorities. Roma serve as elected counsellors in several local self-government units, including Elbasan, Grabian, Lushnjë and Shushicë. The number of active Roma and Egyptian NGOs in the country is around ten.

Albania joined the Decade of Roma Inclusion in 2008. The European Commission's 2012 *Progress Report*, however, characterizes implementation of policy documents adopted at the central level and the operational conclusions of the December 2011 seminar on inclusion of Roma and Egyptians as "very slow", attributing the state of affairs to "inadequate resources and insufficient co-ordination of the institutions involved at local and central level."<sup>17</sup> With regard to the local level in particular, the report notes insufficient involvement and awareness on the part of local authorities. Additionally, the report mentions Roma among the vulnerable groups against which discrimination continues.<sup>18</sup>

### *Bosnia and Herzegovina*

The last census in Bosnia and Herzegovina dates from 1991 and gives a figure of 8,864 Roma. Unofficial estimates of the size of the Roma population of Bosnia and Herzegovina range from 40,000 to 100,000, with a figure of 76,000 generated by research conducted in early 2007 presented in the *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care* as "the most precise data on the actual number of members of the Roma national minority living in Bosnia and Herzegovina."<sup>19</sup> To the extent that this figure is reasonably accurate, Roma account for approximately two per cent of the overall population of Bosnia and Herzegovina. Whereas before the wars of Yugoslav succession most Roma in Bosnia and Herzegovina lived on territory now located in Republika Srpska, today the Roma population lives predominantly in the Federation of Bosnia and Herzegovina.<sup>20</sup>

The Open Society Institute estimated in 2008 that approximately half of Roma school-aged children attend school, with approximately ten per cent completing secondary education.<sup>21</sup> These estimates do not differ radically from the findings of the 2011 regional Roma survey that 61 per cent of Roma seven to 15 years old and 15 per cent of Roma between the ages of 16 and 19 attend school. The regional Roma survey

also indicates self-reported literacy rates of 82 per cent among Roma older than 16.

A survey of Roma households conducted in 16 municipalities in 2006 and 2007 found an employment rate among adult Roma of four per cent.<sup>22</sup> The same survey also found registration with the Employment Bureau to be the exception rather than the rule, and that approximately ten per cent received social assistance. These findings fit with data analysed by UNDP in 2006 indicating poverty rates among Roma households to be 13.5 times those among non-Roma households in the same neighbourhoods.<sup>23</sup> The 2011 regional Roma survey, on the other hand, reports employment and unemployment rates among Roma aged 16 to 64 at 19 and 54 per cent, respectively. This more recent survey also found smaller, though still considerable, differences in income-based poverty rates between Roma and their non-Roma neighbours: 42 versus 14 per cent.

Official statistics on the health situation of Roma in Bosnia and Herzegovina are not available. A survey of Roma households conducted in 2006 and 2007, however, found that only approximately one third of Roma have health insurance, such that most Roma are in the position of having to pay for medical services, as well as any needed medicines.<sup>24</sup> The 2011 regional Roma survey yielded more mixed results: 70 per cent of Roma have medical insurance, yet 68 per cent lack access to essential drugs. Vaccination rates among children up to six were estimated at 82 per cent, as compared with 97 per cent among non-Roma living in proximity to Roma settlements.

The European Commission against Racism and Intolerance reported in 2005 that a majority of Roma in Bosnia and Herzegovina live in informal, impoverished settlements.<sup>25</sup> Here again, official data are not available, but anecdotal evidence points to lower rates of post-war return and reconstruction among Roma than among Bosniacs, Croats or Serbs. More systematic evidence on the living conditions of Roma in Bosnia and Herzegovina comes from the 2011 regional Roma survey, which found that 35 per cent of Roma households live in dwellings in poor condition, with 22 per cent lacking an indoor toilet or bathroom.

Bosnia and Herzegovina's Constitution reserves positions in the upper chamber of the Parliamentary Assembly for representatives of the three "constituent peoples", effectively excluding Roma.<sup>26</sup> At the local

level, Roma serve in elected councils in several units, including Brčko District, Jablanica, Kakanj and Prijedor. Umbrella organizations in Bosnia and Herzegovina include a total of approximately 50 Roma NGOs.

Bosnia and Herzegovina joined the Decade of Roma Inclusion in 2008. However, the European Commission's *Bosnia and Herzegovina 2012 Progress Report* observes little progress in the areas of education, employment and health despite this political commitment. The report also characterizes Roma participation in decision-making as "very low" and notes continuing discrimination and domestic violence against Roma women and children.<sup>27</sup>

### Croatia

The Croatian census of 2011 includes figures of 16,975 Roma and 172 Ashkali.<sup>28</sup> The Croatian government, however, estimates the size of the country's Roma population between 30,000 and 40,000.<sup>29</sup> To the extent that this range is accurate, Roma constitute between 0.7 per cent and one per cent of the total population. Approximately one third of the Roma population of Croatia settled there from other republics of the former Yugoslavia in the 1990s.<sup>30</sup> The largest concentrations of Roma in the country are found in Međimurje County.

The Open Society Institute estimates that 22.1 per cent of Roma children of primary school age are enrolled in school.<sup>31</sup> The same source gives an estimate of 5.2 per cent enrolment in secondary education. The findings of the 2011 regional Roma survey paint a less alarming picture in this regard, estimating Roma enrolment rates in compulsory and upper-secondary education at 87 and 31 per cent, respectively. The self-reported literacy rate among Roma aged 16 and older was 84 per cent. In March 2010, the Grand Chamber of the European Court of Human Rights delivered a judgment that the Roma-only classes established in some primary schools in Croatia amount to violations of the right to education and the ban on discrimination embodied in the *European Convention of Human Rights*.<sup>32</sup> Evidence of change since the judgment was passed is sparse.

The Croatian Employment Service estimated the number of unemployed Roma at approximately 4,500 in December 2011.<sup>33</sup> This figure constitutes approximately 1.5 per cent of the total number of unemployed people in Croatia. The regional Roma survey points to 65 per cent unemployment among Roma between the ages of 16 and 64, nearly three times the unemployment rate

among their non-Roma neighbours. Whereas research commissioned by UNDP in 2005 found poverty rates among Roma 2.5 times that among non-Roma living in close proximity, the 2011 regional Roma survey reports income-based poverty rates among Roma slightly less than double that of their non-Roma neighbours. The same report found, though, expenditure-based poverty rates five times higher among Roma than among non-Roma.<sup>34</sup>

The 2011 regional Roma survey reports that 82 per cent of Roma have access to medical insurance (as compared with 97 per cent access rates among non-Roma living near Roma settlements), with infant and child vaccination rates differing little between Roma and non-Roma (i.e., 97 versus 99 per cent). However, 44 per cent of Roma reported lacking access to essential drugs, a figure nearly three times that reported by nearby non-Roma.

The approximately one quarter of Roma households in Croatia living in slums or dilapidated dwellings is more than six times the figure for non-Roma households in proximity to Roma. The gaps in relation to indoor bathrooms and direct access to potable water are even larger: 45 per cent of Roma households lack indoor facilities, as compared with five per cent of their non-Roma neighbours. Thirty-five per cent of Roma households and four per cent of non-Roma households living nearby lack direct access to potable water.

As a result of legal provisions for minority representation, Roma have been present in Croatia's parliament since 2007, with a change in representation occurring following the parliamentary elections of 2011.<sup>35</sup> Roma are also represented as elected counsellors in several municipalities (e.g., Mala Subotica, Nedelišće, Orehovica, Pribislavec and the City of Zagreb), as well as in National Minority Councils (treated in some detail in Part 3 of this report). The number of active Roma NGOs in Croatia is between ten and 15.

Croatia has participated in the Decade of Roma Inclusion since the initiative was launched in 2005 and currently holds the Presidency (July 2012-June 2013). There is little mention of Roma in the European Commission's 2012 *Comprehensive Monitoring Report on Croatia*, the most extensive example being that "[t]he Roma minority faces particularly difficult living conditions, and challenges remain in the areas of education,

social protection, health care, employment and access to personal documents.<sup>36</sup>

### *The former Yugoslav Republic of Macedonia*

The results of the most recent census completed in the former Yugoslav Republic of Macedonia in 2002 include a figure of 53,879 Roma, a 2.7 per cent share of the country's total population.<sup>37</sup> Whereas unofficial estimates generally begin around twice the official figure, information from local Roma NGOs suggests a total at the lower end of this scale.<sup>38</sup> While there are Roma living in most of the former Yugoslav Republic of Macedonia's 85 municipalities, nearly 90 per cent are distributed among the capital Skopje and ten urban municipalities located throughout the country. Approximately a quarter of the country's Roma population lives concentrated in the Roma-majority municipality of Šuto Orizari. The 2002 census also reports an Egyptian population numbering 3,713 persons, or 0.18 per cent of the total population.

In the absence of current official data disaggregated by ethnicity, a study completed in 2011 estimated primary education completion rates among Roma at around 60 per cent, as compared with over 90 per cent for ethnic Macedonians.<sup>39</sup> This estimate appears to fit well with the finding of the 2011 regional Roma survey that 74 per cent of Roma aged seven to 15 attend school. The same survey found upper-secondary enrolment rates among Roma between the ages of 16 and 19 to be 27 per cent, as compared with 65 per cent among non-Roma living near Roma settlements. The self-reported literacy among Roma 16 and older is 83 per cent. Calculations made on the basis of official data further suggest that Roma account for over a third of all children enrolled in primary education for children with mental disability.<sup>40</sup>

According to official data from 2010, Roma comprise 5.2 per cent of all unemployed people.<sup>41</sup> An analysis completed in 2010 estimated the unemployment rate among Roma in 2008 at 75 per cent, as compared with a national average of approximately 30 per cent.<sup>42</sup> The 2011 regional Roma survey, on the other hand, estimates the unemployment rate among Roma between the ages of 15 and 64 at 53 per cent, just less than twice the corresponding rate among non-Roma living near Roma settlements. Similarly, whereas the analysis of 2010 assessed income-based poverty among Roma at 63 per cent (as compared with 27 per cent for ethnic Macedonians and 29 per cent for ethnic Albanians), the 2011 survey reports income-based poverty rates

of 41 per cent among Roma and 14 per cent among non-Roma. While the Ministry of Labour and Social Policy implemented employment programmes targeting Roma, these programmes have not been successful in attracting Roma to participate.<sup>43</sup>

In the area of health, Roma report infant and child vaccination rates (93 per cent) and access to medical insurance (92 per cent) only slightly lower than those reported by their non-Roma neighbours (99 and 97 per cent, respectively).<sup>44</sup> Access to essential drugs, however, is more problematic, with more than two-thirds of Roma reporting that they lack this (as compared with 32 per cent of non-Roma living near Roma settlements).

According to the 2011 regional Roma survey, approximately a quarter of Roma households in the former Yugoslav Republic of Macedonia live in slums or dwellings in a poor state of repair, as compared with five per cent of nearby non-Roma households.<sup>45</sup> The survey further indicates that access to potable water and sanitation are relatively unproblematic for Roma households, but nonetheless more so than among their non-Roma neighbours. Arguably more problematic are reported cases of forced evictions of Roma followed by demolition of their dwellings. Finally, it appears that a considerable (but unknown) number of Roma will be left effectively homeless following rejection of their applications in accordance with legislation passed in 2011 for legalization of the (illegal) structures within which they had previously resided.

Roma have been relatively well represented in government at the national level in the former Yugoslav Republic of Macedonia, with at least one Roma representing a Roma political party in the Assembly since 1990, at least one Roma deputy minister since 2006 and the world's first Roma minister appointed following the parliamentary elections of 2008. Beyond the strategy and action plans prepared in connection with the Decade of Roma Inclusion, in April 2011 the Assembly adopted a *Declaration for Promotion of the Situation and Rights of the Roma*.<sup>46</sup> At the local level, the municipality of Šuto Orizari in Skopje has elected a Roma mayor since its establishment in 1996. In addition to accounting for the majority of elected councillors in Šuto Orizari, Roma serve on elected councils elsewhere in Skopje, as well as in Gostivar, Kumanovo and Prilep.

The former Yugoslav Republic of Macedonia joined the Decade of Roma Inclusion at its beginning in 2005.

The 2012 *Progress Report* of the European Commission notes “some progress” in relation to the situation of Roma while pointing to persistent discrimination, including multiple forms of discrimination against Roma women.<sup>47</sup> Characterizing implementation of the National Action Plans adopted in the framework of the Decade of Roma Inclusion in general as “slow”, the *Report* singles out the National Action Plan for Romani women, stating that “[i]nsufficient support [...] renders its implementation almost impossible.”<sup>48</sup>

### Kosovo

The results of the census conducted in Kosovo in 2011 include figures of 8,824 Roma, 15,436 Ashkali and 11,524 Egyptians.<sup>49</sup> To the extent that these figures are accurate, Roma, Ashkali and Egyptians account for 0.5, 0.9 and 0.7 per cent of the total population of Kosovo, respectively. Whereas unofficial estimates of the size of Roma and Egyptian populations are greater than the corresponding census figures (i.e., 35,000 and 25,000, respectively), in the case of Ashkali the opposite is true (12,000).<sup>50</sup> Taking the highest figures in each case, Roma, Ashkali and Egyptians together account for around four per cent of Kosovo’s total population. It is worth noting that in the time elapsed between the previous relatively reliable census (1981) the flight of unknown numbers of Roma, Ashkali and Egyptians from Kosovo in the aftermath of the 1999 armed conflict makes it difficult to estimate the size of Roma, Ashkali and Egyptian populations today.

The Kosovo Foundation for Open Society (KFOS) reported in 2009 that 11.2 per cent of Roma, Ashkali and Egyptian men and 30.2 per cent of women had not completed a single year of education.<sup>51</sup> UNDP estimated in 2010 that one quarter of Roma, Ashkali and Egyptian children do not attend primary school while 62 per cent of Roma, Ashkali and Egyptian boys and 78 per cent of Roma, Ashkali and Egyptian girls do not attend secondary school.<sup>52</sup> KFOS reports literacy rates of 75.7 per cent for Roma, 81.6 per cent for Ashkali and 81.7 per cent for Egyptians.

UNDP estimated unemployment among Roma, Ashkali and Egyptian households at 58 per cent in 2010, as compared with the Kosovo average of 48 per cent.<sup>53</sup> The same study reports unemployment rates of 75 per cent among male Roma, Ashkali and Egyptian youth between the ages of 15 and 24.

Eighty-six per cent of the Roma, Ashkali and Egyptian respondents to a survey conducted in 2004 indicated not having access to essential drugs in the previous 12-month period.<sup>54</sup> Additionally, past and current inhabitants of camps for internally displaced persons in Mitrovicë/Mitrovica and Plemetin/Plemetina often suffer from severe illnesses resulting from environmental contamination.

A survey commissioned by UNDP in 2005 found that 72 per cent of Roma, Ashkali and Egyptians lack a toilet or bathroom in their dwelling, as compared with 45 per cent among households of other ethnicities living nearby.<sup>55</sup> The current housing situation of Roma in Kosovo is complicated by events occurring in connection with the armed conflict of 1999, including incomplete documentation of purchases by Roma, Ashkali and Egyptians of property from Serbs who later fled Kosovo, destruction of houses during or after the conflict and ongoing (illegal) occupation by third parties of property owned before the conflict by Roma, Ashkali and Egyptians.<sup>56</sup>

Through a provision in Kosovo’s 2008 Constitution, Roma, Ashkali and Egyptian communities are allocated one seat each in parliament, with a fourth mandate awarded to the community of the three that receives the highest number of votes. Reserved seats aside, the electoral performance of Roma, Ashkali and Egyptian political parties has been poor, with little co-operation among them.<sup>57</sup> Roma, Ashkali and/or Egyptians also serve as elected counsellors in the municipalities of Gračanica/Gračanicë, Ferizaj/Uroševac, Fushë Kosovë/KosovoPolje, Gjakovë/Đakovica, Peja/Peć and Prizren. The number of active Roma, Ashkali and Egyptian NGOs is estimated at between 15 and 20.

Kosovo is not a member of the Decade of Roma Inclusion. The European Commission’s *Communication on a Feasibility Study for a Stabilisation and Association Agreement between the European Union and Kosovo* points to a need for Kosovo to move ahead with implementation of its strategy and action plan for Roma, Ashkali and Egyptians and to budget accordingly.<sup>58</sup>

### Montenegro

The Montenegrin census of 2011 yields figures of 6,251 Roma and 2,054 Egyptians.<sup>59</sup> By these figures, which are widely accepted also within the NGO sector, Roma comprise approximately one per cent of the total population, while Egyptians account for 0.3 per cent of the

total. According to official statistics, the majority (63.8 per cent) of Roma live in Podgorica, which together with four other municipalities (Berane, Bijelo Polje, Herceg Novi and Nikšić) accounts for approximately 90 per cent of the country's Roma population. The largest concentration of Egyptians is also found in Podgorica, followed by Nikšić, Tivat and Berane (in that order).

In 2008, the Open Society Institute estimated enrolment rates among Roma in primary and secondary education at 25.7 and 1.5 per cent, respectively, with 19.8 per cent of Roma completing primary school.<sup>60</sup> A survey conducted by UNDP, the World Bank and the European Commission in 2011, on the other hand, found enrolment rates at 55 per cent in compulsory education and 13 per cent in upper-secondary education among Roma in Montenegro.<sup>61</sup> The number of Roma enrolled in university in Montenegro is thought to be lower than ten. Segregation in education has also been reported as a problem, particularly in the Konik camp located on the outskirts of Podgorica. The UNDP-World Bank-European Commission survey yielded a self-reported literacy rate of 73 per cent among Roma older than 16.

Montenegro's 2003 *Poverty Reduction Strategy Paper* reports a poverty rate among Roma, Ashkali and Egyptian households 4.5 times higher than the national poverty rate, with similar discrepancies in unemployment rates (i.e., 43.3 per cent among Roma, Ashkali and Egyptians vs. 11 per cent within the general population).<sup>62</sup> More recently, the UNDP-World Bank-European Commission survey found an unemployment rate of 44 per cent among Roma in Montenegro, as compared with 30 per cent among non-Roma living in proximity to Roma. Reports of income-based poverty among Roma included in the same survey were 29 per cent, as compared with five per cent among non-Roma living in proximity.

Roma in Montenegro are relatively well covered by health insurance and immunization programmes (89 and 94 per cent, respectively), and also give more positive self-assessments of health than do non-Roma living in proximity.<sup>63</sup> Nonetheless, available information suggests that the health situation of Roma is considerably worse than that of the general population of Montenegro. As is true elsewhere, Roma birth-rates are higher than the national average, with the share of Roma in the general population apparently dropping sharply in old age.<sup>64</sup>

A household survey conducted in 2003 found that nearly half of Roma, Ashkali and Egyptian families lived in shacks or poor quality housing.<sup>65</sup> The findings of the UNDP-World Bank-European Commission survey are similar in this regard: 42 per cent of Roma respondents were assessed as living in ruined houses or slums, as compared with 12 per cent of the neighbouring non-Roma population. Further, as UNICEF reported in 2007, residential segregation remains common.<sup>66</sup>

To date, no Roma, Egyptian, or Ashkali has been elected to office at any level in Montenegro. The number of Roma, Ashkali and Egyptian NGOs active in the country is around ten.

Montenegro joined the Decade of Roma Inclusion at the beginning, in 2005. The European Commission's 2012 *Progress Report* for Montenegro makes favourable reference to the adoption of the *Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016* while pointing to the outstanding need to address discrimination against Roma, Ashkali and Egyptians through implementation of the *Strategy* and other relevant documents.<sup>67</sup> The *Report* also makes note of the multiple forms of discrimination against Roma women.<sup>68</sup>

### Serbia

According to Serbia's 2011 census results, there are 147,604 Roma in Serbia, accounting for approximately 2.1 per cent of the country's total population.<sup>69</sup> The largest part of Serbia's Roma population (38.8 per cent) lives in the southern and eastern parts of the country, followed by the region of Vojvodina, inhabited by 28.8 per cent of the Roma population. While unofficial estimates of the size of the Roma population of Serbia may reach 800,000, a range of 450,000 to 500,000 is generally accepted in government as well as non-government circles.<sup>70</sup> If this estimate is accurate, then Roma constitute around six per cent of the total population.

Whereas data collected by UNICEF in 2006 indicated that 70 per cent of school-aged Roma children attend school,<sup>71</sup> in 2008 the Open Society Institute presented data from official sources that 36.1 per cent of Roma complete primary education, while nine per cent complete secondary education.<sup>72</sup> A 2010 study found that Roma account for approximately 30 per cent of students in special schools in Serbia.<sup>73</sup> The regional survey conducted by UNDP, the World Bank and the European Commission in 2011 paints a more favourable picture:

80 per cent of Roma between the ages of seven and 15 enrolled in primary education, with a quarter of Roma aged 16 to 19 enrolled in upper-secondary education.<sup>74</sup> The same survey presents a self-reported literacy rate of 85 per cent among Roma aged 16 and older.

The Living Standard Measurement Survey conducted in Serbia in 2007 found that nearly half of Roma living outside Roma settlements were poor.<sup>75</sup> Research undertaken the previous year by UNICEF, on the other hand, found that more than 60 per cent of Roma households with children lived in poverty.<sup>76</sup> The UNDP-World Bank-European Commission survey of 2011 found an unemployment rate of 49 per cent among Roma, as compared with 27 per cent among non-Roma living in proximity. According to the same survey, income-based poverty among Roma was 30 per cent, nearly four times the rate among their non-Roma neighbours.

In the findings of the 2011 UNDP-World Bank-European Commission regional survey, reported access to health insurance and vaccinations did not differ significantly between Roma and their non-Roma neighbours. Nonetheless, UNICEF research from 2006 suggests that infant and child mortality rates among Roma are nearly three times higher than the corresponding rates in the general population.<sup>77</sup> Commonly reported health problems in the Roma population include tuberculosis, skin diseases and chronic respiratory ailments.<sup>78</sup>

A survey conducted in 2002 mapped 593 Roma settlements in Serbia, finding that most were informal and lacked adequate infrastructure and access to

institutions.<sup>79</sup> Likewise, thirty-eight per cent of dwellings inhabited by Roma were assessed as insecure by enumerators of the regional survey conducted in 2011 by UNDP, the World Bank and the European Commission; the corresponding rate among non-Roma was ten per cent.

The parliamentary elections of 2007 saw the distribution of two seats in parliament to representatives of Roma political parties. Despite a legal provision exempting political parties representing national minorities from the requirement that they receive a minimum of five per cent of votes cast in order to participate in the distribution of mandates, no representatives of Roma political parties were elected to parliament in 2008 or 2012, although one Roma was elected from a mainstream party list.<sup>80</sup> At the local level, Roma serve as elected counsellors in several self-government units, including two targeted by BPR: Kruševac and Novi Sad. There are approximately 50 Roma NGOs active in Serbia.

Serbia has participated in the Decade of Roma Inclusion since it began in 2005. The European Commission's 2012 *Progress Report* for Serbia notes "some improvement in the position of the Roma population" while pointing out that no action plan has been formally adopted for implementation of the *Strategy for Improvement of the Status of Roma in the Republic of Serbia* from 2012 and that Roma remain one of the groups most exposed to discrimination.<sup>81</sup> The *Report* also mentions the continued enrolment of Roma children in special schools.<sup>82</sup>

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# *Anti-discrimination*

# Anti-discrimination

Fundamental principles of anti-discrimination are embodied in Western Balkan constitutions, as well as in legislation and strategic documents adopted at the central level on minorities, gender equality and Roma. If similarities outweigh differences among central-level initiatives for anti-discrimination, however, initiatives generated at the local level exhibit a greater degree of variety. At the same time, the body of local-level good practice in the area of anti-discrimination consists largely of outreach by human rights institutions established at the central level.

## 2.1 Central-level policies and initiatives

### Constitutions

Notwithstanding variation in the degree of directness with which they address discrimination in general and discrimination against minorities in particular, Western Balkan constitutions have in common that they guarantee equality in rights and freedoms to all citizens.

- \* The Albanian Constitution prohibits unjust discrimination on various bases, including ethnicity.<sup>1</sup> While the Constitution guarantees cultural rights to members of national minorities, Roma are not legally entitled to this protection because they are not recognized as a national minority in Albania, but rather as a linguistic one.<sup>2</sup> In similar fashion, Egyptians have fallen outside this provision for lack of official recognition as a distinct group.<sup>3</sup> The Albanian Constitution also creates the position of People's Advocate (ombudsperson).<sup>4</sup>
- \* The Constitution of Bosnia and Herzegovina rules out association with a national minority as legitimate grounds for discrimination with regard to enjoyment of rights and freedoms.<sup>5</sup> Consistent with this provision, the Constitution of the Federation of Bosnia and Herzegovina promises both "freedom from discrimination based on race, colour, sex, language, religion or creed, political or

other opinions and national or social origin" and "protection of minorities and vulnerable groups."<sup>6</sup> For the purpose of "protect[ing] human dignity, rights, and liberties", the Constitution of the Federation of Bosnia and Herzegovina calls for the appointment of three ombudspersons, one from each of the constituent peoples.<sup>7</sup> For its part, the Constitution of Republika Srpska grounds the entity's constitutional order on the protection of ethnic and other minorities and guarantees citizens of the Republic equal legal protection irrespective of personal attributes.<sup>8</sup>

- \* Roma are mentioned in the Preamble of the Constitution of the Republic of Croatia as a national minority, the members of which are guaranteed equality with ethnic Croat citizens.<sup>9</sup> Also contained in this Constitution is a guarantee of equal rights and freedoms "regardless of race, colour, gender, language, religion, political or other conviction, national or social origin, property, birth, education, social status or other characteristics", as well as a specific guarantee of equal rights for the members of national minorities.<sup>10</sup> Additionally, the Croatian Constitution creates the position of Ombudsperson (*Pučki pravobranitelj*) responsible for protecting and promoting constitutionally guaranteed human rights and freedoms.<sup>11</sup>
- \* The former Yugoslav Republic of Macedonia's 2001 Constitution mentions Roma in its Preamble as a community "equal in rights and obligations" to all other communities.<sup>12</sup> This Constitution also contains an assertion of the equality of citizens in rights and freedoms without regard to various personal attributes, including (but not limited to) race, national origin and social origin, as well as a prohibition on the restriction of rights and freedoms on the basis of the same set of attributes.<sup>13</sup> Additionally, the Constitution establishes the office of the Ombudsperson (*Naroden pravobranitelj*) to protect

citizens against violation of their rights by public institutions.<sup>14</sup>

- \* The Kosovo Constitution guarantees equality before the law, prohibiting discrimination on the grounds of personal status while leaving room for “the imposition of measures necessary to protect and advance the rights of individuals and groups who are in unequal positions.”<sup>15</sup> Additionally, this Constitution refers to non-discrimination in general, and to gender equality in particular, as basic values of the state.<sup>16</sup> Consistent with these general provisions, an article devoted specifically to communities mentions both protections from discrimination and affirmative measures to promote “full and effective equality.”<sup>17</sup> The Kosovo Constitution also contains provisions on the role and function of the Ombudsperson in protecting individuals “from unlawful or improper acts or failures to act of public authorities.”<sup>18</sup>
- \* The Montenegrin Constitution contains a prohibition of direct and indirect discrimination on any grounds while leaving room for affirmative measures aimed at addressing inequality.<sup>19</sup> The Montenegrin Constitution further prohibits forceful assimilation and stipulates that the state will protect members of minority nations from such assimilation.<sup>20</sup> Montenegro’s Constitution also contains an article outlining the role of the Protector of Human Rights and Freedoms (ombudsperson).<sup>21</sup>
- \* The Constitution of the Republic of Serbia promises minority rights as a means to the rule of law.<sup>22</sup> The Serbian Constitution further guarantees gender equality and calls for the development of equal opportunities policy.<sup>23</sup> A concern with the protection of minorities is explicit in the title of Section Two of the Constitution: “Human and Minority Rights and Freedoms.” Within this section is a prohibition of discrimination, which covers direct and indirect discrimination on any grounds while leaving room for special measures to bring about substantive equality.<sup>24</sup> Also within this section are an explicit prohibition of discrimination on the grounds of membership in a national minority, a provision for temporary measures aimed at eliminating disadvantage and an article prohibiting forced assimilation.<sup>25</sup> Additionally, the Serbian Constitution provides parameters for the function of the Protector of Citizens (ombudsperson) and calls

for enactment of specific legislation to regulate the work of this institution.<sup>26</sup>

### *Anti-discrimination legislation and competent institutions*

Comprehensive anti-discrimination legislation has been adopted by all of the governments with which BPRI has established co-operation, with Kosovo adopting The Anti-Discrimination Law in 2004, while the other six governments passed their respective laws between 2008 and 2010.<sup>27</sup> As might be expected, neither Roma nor any other ethnic group are mentioned by name in the anti-discrimination laws, but all such laws adopted in the region explicitly cover ethnicity as possible grounds for discrimination. Also of particular importance for Roma as a marginalized group is coverage of indirect, as well as direct, discrimination in all anti-discrimination legislation adopted in the region.<sup>28</sup> Closely related to the distinction between direct and indirect discrimination, the same laws also leave room for special measures intended to address the effects of past and present discrimination in order to achieve substantive equality. Another significant feature of anti-discrimination laws in the Western Balkans relates to the burden of proof; in contrast to criminal proceedings, where the accused is presumed innocent until proven guilty, in anti-discrimination cases the respondent must prove that there has been no breach of the principle of equal treatment. With the exception of the laws adopted in Bosnia and Herzegovina, however, the shift in burden of proof falls short of international standards.

An additional similarity among anti-discrimination laws in the Western Balkans is the designation of a competent institution for handling claims of discrimination. Whereas the competent institution was established by virtue of a provision of the anti-discrimination law in Albania, the former Yugoslav Republic of Macedonia and Serbia, the anti-discrimination legislation adopted in Bosnia and Herzegovina, Croatia and Montenegro refers to existing institutions. The legislation in Kosovo also refers to existing institutions.<sup>29</sup> Here, however, it is important to note that, in the cases of Albania, the former Yugoslav Republic of Macedonia and Serbia, the institution established by anti-discrimination legislation co-exists alongside an existing central ombudsperson institution. Thus, while in Bosnia and Herzegovina, Croatia and Montenegro the institution designated is the central ombudsperson institution (named in various ways), Serbia’s 2009 Law on the Prohibition of Discrimination and Albania’s 2010 Law on Protection from

Discrimination establish a Commissioner for the Protection of Equality and a Commissioner for Protection from Discrimination (respectively), whereas the former Yugoslav Republic of Macedonia's 2010 Law on Prevention and Protection against Discrimination creates a Commission for Protection against Discrimination.<sup>30</sup> In these three cases, the relevant difference between the institution established by anti-discrimination legislation and the existing central ombudsperson institution is that, whereas the latter handles only claims of discrimination implicating public authorities, the former handles all discrimination claims. The institution established by the anti-discrimination legislation also co-exists alongside an existing central ombudsperson institution in Kosovo.

Although the similarities in the anti-discrimination legislation adopted in the region covered by BPRI arguably outweigh the differences, two provisions of specific anti-discrimination laws are worth mentioning here for their relevance to Roma. First, Serbia's anti-discrimination legislation differs from that adopted elsewhere in the Western Balkans for its incorporation of a provision devoted specifically to national minorities beyond the mention of national affiliation and ethnic origin in the initial list of grounds covered by the general prohibition of discrimination (Article 2); by Article 24, "It is forbidden to discriminate against national minorities and their members on the grounds of religious affiliation, ethnic origin, religious beliefs and language." Second, Montenegro's Law on Prohibition of Discrimination of 2010 stands out for a stipulation that recalls the 2007 decision of the European Court of Human Rights in the case of segregation of Roma children in schools for children with mental disability in the Czech Republic: "Consent of a person to be discriminated against shall not relieve from responsibility the person exercising discrimination, giving instruction to discriminate or inciting discrimination."<sup>31</sup>

### Legislation on minorities

Legislation on the rights of ethnic or national minorities has been adopted throughout the Western Balkans, with the exception of Albania.<sup>32</sup>

- \* Bosnia and Herzegovina's Law on Protection of Rights of National Minorities, which includes Roma in the list of national minorities for which the law offers protection of status and equality, stipulates that an individual's choice to be treated or not to be treated as a member of a national minority may not be grounds for discrimination.<sup>33</sup>

- \* The 2002 Constitutional Act on the Rights of National Minorities in the Republic of Croatia guarantees national minorities and their members protection from acts with potential to "endanger their existence and exercise of rights and freedoms."<sup>34</sup>

- \* Like its Bosnian counterpart, the Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo contains a list of communities covered that includes Roma, Ashkali and Egyptians and states that an individual's choice to be treated as belonging to a community or not may not be grounds for disadvantage or discrimination.<sup>35</sup> Additionally, the law contains a prohibition on all forms of discrimination on the basis of national, ethnic, cultural, linguistic or religious identity and promises "affirmative measures" as necessary for the realization of full equality, noting that such measures do not amount to discrimination.<sup>36</sup>

- \* Montenegro's Law on Minority Rights and Freedoms of 2011 reiterates the general prohibition of direct and indirect discrimination on any grounds found in the anti-discrimination law, adding a specific prohibition on attempts at demographic engineering with the aim of restricting rights and freedoms in areas inhabited by minority communities (Article 39).<sup>37</sup>

- \* Serbia's 2002 Law on the Protection of the Rights and Freedoms of National Minorities prohibits all forms of discrimination against members of national minorities "on national, ethnic, racial, linguistic grounds."<sup>38</sup> Also prohibited are forced assimilation and measures that change the ethnic composition of areas inhabited by national minorities in order to restrict the application of minority rights (Articles 5 and 22). Further, the law states that no one may be disadvantaged for expressing or not expressing their ethnic identification (Article 5). With regard to Roma in particular, the law calls for legal acts and measures to bring about full and effective equality with the majority population, noting that such acts and measures cannot be considered discriminatory (Article 4).

## MINORITY INSTITUTIONS IN KOSOVO

Within the Western Balkans, Kosovo has by far the largest number of institutions focused on minorities at both central and local levels.<sup>39</sup> While some of these institutions focus primarily on protecting minorities from discrimination, many also address issues related to participation in decision-making.

The official term for minorities in Kosovo is “communities”. Defined in the 2008 Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo as “national, ethnic, cultural, linguistic or religious groups traditionally present in [...] Kosovo that are not in the majority”, and Roma, Ashkali and Egyptians are among the communities mentioned by name in the Law and subsequent amendments.<sup>40</sup>

- › Established in 2005 as the key institution for protection and promotion of the rights of communities in Kosovo and their members, the Ministry for Communities and Return is expected to develop policies and implement legislation on the rights of communities and their members. These rights include, but are not limited to, the right of return, to develop and oversee government outreach to communities and to provide feedback on central- and municipal-level policies in relation to issues of communities and return.<sup>41</sup> To date, the Ministry’s activities have been focused more on return than on community rights.
- › Beginning as an initiative of the European Centre for Minority Issues, the Community Consultative Council was made an official institution by the 2008 Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo. The Council’s mandate includes aggregating and articulating community views, co-ordination and consultation among communities, communication with state institutions and making recommendations on resource allocations for relevant initiatives.<sup>42</sup>
- › The Office for Community Affairs was established in 2008 as an advisory body within the Office of the Prime Minister for the purpose of co-ordinating the activities of Kosovo institutions toward communities.<sup>43</sup>
- › At the local level, each municipality with members of more than one community is required by law to establish a Communities Committee.<sup>44</sup> In addition to serving as a mechanism for participation in decision-making, Communities Committees are tasked with addressing cases of discrimination against communities and their members as such. A 2010 government regulation further provides municipalities with guidelines for establishing and maintaining an Office for Communities and Returns, which is intended to act as a focal point for the concerns of members of communities within a given municipality.<sup>45</sup>
- › Municipalities in which members of communities constitute at least ten per cent of the local population have additional legal obligations, including the establishment of posts of Deputy Chairperson of the Municipal Assembly for Communities and Deputy Mayor of Communities.<sup>46</sup> Whereas the role of the Deputy Chairperson is to serve as focal point for issues of communities relevant to the work of the municipal assembly, the Deputy Mayor’s role is to advise the Mayor on issues related to communities.

### *Legislation and strategic documents on gender equality*

Between 2003 and 2009, all governments in the Western Balkans adopted legislation on gender equality, with the former Yugoslav Republic of Macedonia updating its law in 2012.<sup>47</sup> These laws have in common that they not only prohibit both direct and indirect discrimination on the basis of sex, but also include provisions

for special measures to bring about equality between men and women. Absent from this legislation are references to multiple discrimination in general and to the situation of Roma women in particular.

The situation with the strategic documents and action plans generated on the basis of this legislation is more varied: whereas Roma women are not mentioned in the

respective documents from Bosnia and Herzegovina and Kosovo,<sup>48</sup> their situation receives explicit attention in Albania's *National Strategy on Gender Equality, Reduction of Gender-Based Violence and of Domestic Violence*, Croatia's *National Policy for Gender Equality for the Period from 2011 to 2015*, the former Yugoslav Republic of Macedonia's *National Action Plan for Gender Equality 2007-2012*, the *Action Plan for the Achievement of Gender Equality in Montenegro (2008-2012)* and in Serbia's *2008 National Strategy for Improvement of Women's Status and Promotion of Gender Equality*.<sup>49</sup> Albania's *Strategy* mentions Roma and Egyptian women in several places, including as a target group for reduction of gender-based violence.<sup>50</sup> Among the three references to Roma women in the Croatian *Policy* is a call for the development and implementation of action plans for informing Roma women of their rights on the one hand and, on the other, providing sensitization and training for public services and the general public on the problems Roma women encounter in society, as well as within the Roma community.<sup>51</sup> Montenegro's *Action Plan* mentions Roma women as a group particularly vulnerable to violence against women due to the situation of marginalization and multiple discrimination and calls for campaigns combatting violence against women to be organized in Roma settlements.<sup>52</sup> The Serbian *Strategy* includes a similar mention of Roma women as a vulnerable group in the context of violence against women, calling for the incorporation of a gender perspective in all areas of social life, with particular emphasis on groups that face double or multiple discrimination, including Roma women, as well as a campaign against stereotypes in relation to Roma women.<sup>53</sup>

#### Central-level strategies and action plans for Roma

\* Albania's 2003 *National Strategy for Improving Roma Living Conditions* notes cases of "hidden discrimination" against Roma and calls for programmes targeting Roma women and girls to eliminate discrimination and improve the status of women in Roma families.<sup>54</sup> The *Strategy* also calls for measures to build solidarity between the general population and Roma communities, such as media campaigns and prevention of nuisance crimes and trafficking, in order to reduce discrimination.<sup>55</sup> Additionally, among the priority measures listed in the *Strategy* is "[t]aking effective measures to stop police officers from applying discriminatory practices against Roma."<sup>56</sup> In the Albanian *National Action Plan for the Decade of Roma Inclusion 2010-2015*, issues of discrimination are addressed under two of the six

priority fields: education, and social inclusion and equal opportunities. In education, seven activities are foreseen for realization of the objective "Elimination of excluding and inferior attitudes towards Roma people in the school community and the transformation of cultural diversity into a source of knowledge that is conducive to an environment of mutual respect, tolerance and understanding."<sup>57</sup> In the priority field of social inclusion and equal opportunities, on the other hand, Objective 1 and its three activities foreseen target prevention of trafficking of Roma children and particularly Roma girls, whereas the four activities planned under Objective 2 are designed to "[e]mpower Roma communities to protect their rights and liberties, in order to prevent and reduce the cases of discrimination."

\* Non-discrimination and gender equality both feature among the areas identified in the 2005 *Strategy of Bosnia and Herzegovina for Solving the Problems of the Roma*.<sup>58</sup> Whereas discrimination is characterized in the *Strategy* as neither planned nor systematic, the need to improve women's material and social position within the Roma community is explained on the grounds that women experience more discrimination than do their male counterparts.<sup>59</sup> The *Action Plan on the Education Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina*, which pre-dates the *Strategy* as well as the Decade of Roma Inclusion, identifies discrimination and harassment of Roma children at school as a problem and proposes to combat prejudices and stereotypes by sensitizing teaching staff and ensuring that Roma language and culture are taught in schools.<sup>60</sup> Bosnia and Herzegovina's *National Action Plan for the Decade of Roma Inclusion* in the priority area of health foresees training for health professionals on Roma culture as a means of eliminating stereotypes and prejudice.<sup>61</sup> In similar fashion, the Decade National Action Plan in the field of employment calls for prevention of discrimination in employment advertisements.<sup>62</sup> It also envisions breaking down stereotypes about Roma within society at large.<sup>63</sup> An additional measure foreseen in the Decade National Action Plan for employment is ensuring that Roma are not disadvantaged in access to micro-credit.<sup>64</sup>

- \* In contrast to Croatia's *Action Plan of the Decade of Roma Inclusion for 2011 and 2012*, in which the expected contribution to anti-discrimination of the implementation of measures in the four priority areas is mentioned in passing, the 2012 *National Strategy for the Inclusion of Roma* links the elimination of all forms of discrimination with active participation in decision-making as a means to improving the societal position of Roma.<sup>65</sup> More concretely, the Croatian *Strategy* presents segregation in education as a disadvantage to Roma children and calls for its elimination by 2020. It also mentions discrimination against Roma by healthcare institutions and treats residential segregation as a problem from the standpoint of living standards and access to infrastructure.<sup>66</sup> The Croatian *Strategy* also integrates attention to the specific situation of Roma women into the document's various sections. Specific objectives of the *Strategy* in relation to anti-discrimination include raising societal awareness of the need to combat discrimination, expanding cross-sector co-operation with representatives of the Roma population in combating discrimination, advancing the implementation of anti-discrimination legislation and reducing violence against Roma (whether carried out by non-Roma or by Roma).
- \* The former Yugoslav Republic of Macedonia's *Strategy for Roma* includes the issue of discrimination together with human rights protection as one of its ten priority areas. Recommendations in this section focus primarily on combating prejudice and stereotypes about Roma among police officers, while also calling for the employment of Roma police officers.<sup>67</sup> Proposed activities include free-of-charge legal aid, school-based human rights programmes to address stereotypes and co-operation between relevant institutions and Roma NGOs. Another section of the *Strategy* is devoted to the specific situation of Roma women, with the recommendations in this section focusing primarily on capacity building.<sup>68</sup> Measures designed to address discrimination in the national action plans for the period 2009-2011 of the Decade of Roma Inclusion include information on and support for applying sanctions in cases of discrimination in healthcare,<sup>69</sup> training of pre-school teachers to organize cross-cultural activities for Roma and non-Roma children and their parents,<sup>70</sup> promotion of cross-cultural extracurricular activities at state universities<sup>71</sup> and inclusion of speakers of Romani in the commissions that assess children for enrolment in special education.<sup>72</sup> Additionally, the *National Action Plan for Advancement of the Societal Position of Roma Women* proposes sensitization of teaching staff on the importance of education for Roma girls and the barriers faced in the educational process, sensitization of civil servants and healthcare providers to combat unequal access of Roma women to public services and training of Roma women's NGOs on the protection mechanisms embodied in the Law on Prevention and Protection against Discrimination.<sup>73</sup>
- \* Kosovo's *Strategy for the Integration of Roma, Ashkali and Egyptian Communities* emphasizes anti-discrimination in connection with "the principle of integration at equal footing."<sup>74</sup> The *Strategy* further points to widespread discrimination against Roma, Ashkali and Egyptians, calling for mainstreaming of anti-discrimination policies across all sectors.<sup>75</sup> In the *Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015*, prevention of discrimination and segregation accordingly appears as an objective in the sector of education, with activities foreseen under this heading including a situation analysis, adoption of legal acts, training for education system staff, and awareness-raising among Roma, Ashkali and Egyptians on forms of discrimination and segregation in education.<sup>76</sup> Anti-discrimination measures also feature in the sector "Security, Police Service and Justice", with activities including the implementation and enforcement of laws without discrimination and the employment of Roma, Ashkali and Egyptians within the Kosovo Police.
- \* Anti-discrimination, equality in general and gender equality in particular figure among the basic principles enumerated as a basis for the *Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016*.<sup>77</sup> Further, the *Strategy* notes that these principles are necessary, but not sufficient conditions for equality in general and for protection of women from domestic violence in particular, calling for the adoption of local action plans addressing violence against women and the development of local services to support victims of domestic violence, as well as for the inclusion of Roma and Egyptian women in field teams to

## FREE LEGAL AID: A LESSON LEARNED

Within the Western Balkans, Albania, Croatia, the former Yugoslav Republic of Macedonia and Montenegro have all adopted legislation on free legal aid. Additionally, in the absence of national legislation on free legal aid in Bosnia and Herzegovina, Republika Srpska adopted its own legislation in 2008.<sup>81</sup> Legislation on free legal aid has also been adopted in Kosovo.

Although none of the relevant laws specifically provides for free legal aid in cases of discrimination on the basis of ethnicity, the laws also do not rule out free legal aid for such cases. The Montenegrin legislation leaves the most room in this regard, specifying only three types of procedures that are *not* eligible for free legal aid.<sup>82</sup> Kosovo's Law on Free Legal Aid applies to civil, administrative, misdemeanour and criminal proceedings<sup>83</sup>, whereas Albania's Law on Legal Aid covers administrative, civil and criminal cases<sup>84</sup>. The corresponding legislation in Croatia and the former Yugoslav Republic of Macedonia is more restrictive: free legal aid in Croatia is available in principle for proceedings treating issues of status; rights to social welfare, pension and health insurance; employment rights and labor relations; family relations; and amicable settlements.<sup>85</sup> Similarly, the Law on Free Legal Aid of the former Yugoslav Republic of Macedonia states that legal aid can be provided for any "issue of interest for the applicant", with such issues defined as rights to social, health, pension or disability insurance; labour relations; protection of children, minors and victims of domestic violence; protection of victims of criminal offences, victims of human trafficking; and property rights.<sup>86</sup> Finally, the relevant legislation in Montenegro and Republika Srpska contains an article on non-discrimination in access to legal aid that includes ethnicity.<sup>87</sup> Such an article is also present in the relevant legislation in Kosovo.

Free legal aid programmes can be seen as a means by which to strengthen the rights of the most vulnerable in society to equality before the law. While such programmes thus potentially serve an important purpose in combating discrimination, it is not clear that they have benefited Roma in this regard. In both Albania and Montenegro, it appears that Roma are largely unable to access free legal aid because the documents required for this purpose are often the very ones for which Roma would seek assistance. The legal aid scheme in Croatia is rarely accessed by Roma due to a combination of insufficient public information and administrative requirements for applicants, as well as low compensation for providers of this service. The availability of free legal aid in the former Yugoslav Republic of Macedonia, on the other hand, is low as a result of excessively strict requirements for accreditation.<sup>88</sup>

In Serbia, free legal aid was piloted within the framework of a project supported by UNDP. This pilot project is the only free legal aid scheme in the Western Balkans for which ethnically disaggregated data on beneficiaries are available. These data show that free legal aid was accessed relatively rarely by Roma, who accounted for only 2.8 per cent of all beneficiaries.<sup>89</sup> At the same time, the inclusion of two Roma NGOs (*Bahtalipe* from Kragujevac and *Osvit* from Niš) as providers of free legal aid can be assessed positively, as can co-operation with NGOs in general in delivering free legal aid to those most vulnerable.<sup>90</sup> To date, however, while a draft law has been produced, Serbia has not adopted legislation on free legal aid.

address violence against women.<sup>78</sup> These measures are accordingly incorporated in the *Action Plan for Implementation of the Strategy* for 2012, which forms an annex to the *Strategy*.

- \* The section of the 2010 *Strategy for Improvement of the Status of Roma in the Republic of Serbia* entitled "Discrimination and related issues" contains brief analyses of discrimination against Roma in several spheres of life and provides a short list of recommendations, including training for

members of police, judiciary and local authorities on minority protection and prohibition of discrimination; affirmative action to increase the number of Roma employed in the policy, judiciary and local self-government units; and the formation of municipal-level ombudsperson offices.<sup>79</sup> These recommendations are reflected in the *Action Plan* which comprises approximately the second half of the *Strategy*. The section on discrimination also contains the observation that implementation of measures foreseen in the other areas covered by

the *Strategy* can be expected to contribute to the reduction of discrimination. In much the same way that the *Strategy's* section on the status of women calls for the government to take measures for fighting discrimination against the Roma population in general and multiple discrimination against Roma women in particular, the section on discrimination notes that “special attention should be paid to the situation of Roma women and girls, who are often subject to double and multiple discrimination.”<sup>80</sup>

## 2.2 Anti-discrimination at regional and local levels

### *Outreach by central human rights institutions*

With the exception of Bosnia and Herzegovina, legislation in the Western Balkans establishing central human rights institutions anticipates activities by those institutions at the local level as well.

- \* In Albania, the 1999 Law on the People’s Advocate contains a provision for the appointment of temporary local representatives to work on specific cases.<sup>91</sup> The *Strategic Plan and Action Plan for the Commissioner on Protection from Discrimination 2012-2015*, on the other hand, foresees the establishment of local offices in the six towns housing courts of appeal as a means of extending the Commissioner’s activity throughout the country.<sup>92</sup> While no offices have been established to date, awareness-raising and outreach campaigns have been organized within the framework of BPRI in Gjiro-kaster, Grabian, Lezha, Lushnjë, Pogradec, Shushicë and Tirana. Outreach activities of the People’s Advocate and of the Commissioner on Protection from Discrimination receive further attention as good practices in Section 2.3.
- \* In Croatia, the 2011 Law on the Ombudsperson stipulates that the Ombudsperson will establish regional offices beyond the main office in Zagreb.<sup>93</sup> There are no plans for opening such offices at present, but in 2012 four NGOs were selected to serve as contact points.
- \* The former Yugoslav Republic of Macedonia’s 2003 Law on the Ombudsperson states that field offices will be established in Bitola, Kičevo, Kumanovo, Strumica, Štip and Tetovo.<sup>94</sup> These field offices of

the Ombudsperson will be treated in more detail as a good practice in Section 2.3.

- \* Kosovo’s 2010 Law on the Ombudsperson stipulates that in addition to the main office in Prishtina, “[t]he Ombudsperson may open other offices within the territory of the Republic of Kosovo if required.”<sup>95</sup> In addition to opening regional offices in Gjilan/Gnjilane, Gračanica/Gračanicë, Mitrovica, Pejë/Peć and Prizren, as well as additional sub-offices in Gračanica/Gračanicë and Mitrovica North, the Ombudsperson organizes “Open Days” in public spaces in each municipality on at least a monthly basis. Classified as good practices, these activities are presented below, in Section 2.3.
- \* Montenegro’s 2011 Law on the Protector of Human Rights and Freedoms states that the Protector will be based in Podgorica but may also conduct “Days of the Protector” outside the headquarters.<sup>96</sup> Consistent with this provision, the Office of the Protector of Human Rights and Freedoms organizes Days of the Protector throughout Montenegro. This form of outreach will be described as a good practice in Section 2.3.
- \* The Serbian Law on the Protector of Citizens of 2007 establishes headquarters in Belgrade while stating that the Protector of Citizens (i.e., ombudsperson) may also open branch offices.<sup>97</sup> To date, the Protector of Citizens has established a local office in Southern Serbia (Bujanovac, Preševo and Medveđa), as well as video links for contact with the ombudsperson institution from ten other municipalities located throughout Serbia. Additionally, the Deputy Protector of Citizens for the Rights of National Minorities organizes visits to Roma settlements on at least a weekly basis. The outreach activities of the Protector of Citizens are discussed as a good practice in Section 2.3, as are relevant activities undertaken by the Commissioner for the Protection of Equality.

### *Securing local-level implementation of gender equality laws*

Legislation on gender equality adopted in the Western Balkans includes provisions for regional and/or local implementation. Albania’s 2008 Law on Gender Equality in Society stipulates that “[l]ocal government organs shall appoint one or several local gender equality employees in their structures.”<sup>98</sup> In Bosnia and

Herzegovina, gender centres are tasked with monitoring and promoting implementation of the Law on Gender Equality.<sup>99</sup> Croatia's Law on Gender Equality, on the other hand, requires the formation of commissions for gender equality at the level of regional self-government, while allowing similar commissions to be formed at the local level.<sup>100</sup> In the former Yugoslav Republic of Macedonia, the Law on Equal Opportunities of Women and Men calls for each municipality to form a Commission for Equal Opportunities and to appoint a person to serve as the local Co-ordinator for Equal Opportunities of Women and Men.<sup>101</sup> Similarly, Kosovo's Law on Gender Equality stipulates that Officers and Committees for Gender Equality will be appointed at the municipal level.<sup>102</sup> The Law on Gender Equality in Montenegro does not require specific action on the part of municipalities, but tasks the ministry responsible for overseeing implementation of the Law (then the Ministry for Human and Minority Rights) with providing assistance to localities in establishing appropriate mechanisms for this purpose. Finally, Serbia's Law on Gender Equality requires units of local self-government to form a standing working group or to designate an employee for gender equality.<sup>103</sup> Lacking for the Western Balkans as a whole, however, is evidence that regional and local implementation of legislation on gender equality has affected the situation of Roma women.

#### *Other central-level initiatives for anti-discrimination at the local level*

Local-level anti-discrimination training has been delivered in Croatia, Serbia and the former Yugoslav Republic of Macedonia. In Croatia, the training was delivered to employees in local employment offices within the framework of a 2011 campaign of the Office for Human Rights and the Rights of National Minorities. In Serbia, on the other hand, training for local authorities in Bujanovac, Preševo and Vranje was offered through the UN Joint Programme "Peacebuilding and Inclusive Local Development."<sup>104</sup> Most recently, in late 2012 and early 2013 BPRI organized a series of workshops throughout the former Yugoslav Republic of Macedonia with over 100 local service providers from Centres for Social Work, the Health Insurance Fund and the State Employment Agency.<sup>105</sup>

Most units of regional self-government in Croatia have established co-ordinating bodies for human rights.<sup>106</sup> In Kosovo, while municipalities are obliged to maintain Human Rights Units, the political nature of appointing

co-ordinators of these institutions results in a situation in which the work of even the most engaged and qualified appointees depends both administratively and financially on the relationship between the appointee and the hiring local government.<sup>107</sup>

#### *Local-level policies and initiatives*

Perhaps not surprisingly, differences among initiatives generated at the local level are greater than differences among state initiatives or their implementation at the local level. While the practices discussed in the remainder of this section reflect this fact, the good practices among them also point to potential for replication on a larger scale.

- \* In Albania, an initiative launched in 2006 by the Swiss NGO Terre des Hommes in co-operation with central authorities and Roma NGOs addresses children at risk of discrimination in the forms of abuse, neglect, exploitation and/or trafficking by establishing Child Protection Units in nine urban areas and four rural ones. This initiative is discussed as a good practice in Section 2.3.
- \* The situation of children at risk of discrimination is addressed by a second initiative in Albania. Since 2009 Save the Children, with funding from the EU Delegation in Albania, has supported the project "Protection and Integration of Street Children in Tirana", which targets approximately 200 children at risk or living and working in the streets. This initiative also receives attention as a good practice in Section 2.3.
- \* Also in Albania, the Municipality of Tirana established an Office of Anti-Discrimination in 2011. The Office, which has a staff of one, has no formal relationship with the Commissioner for Protection against Discrimination or with the Institution of the People's Advocate (ombudsperson).
- \* In Croatia, a municipal court in Varaždin issued Croatia's first verdict on discrimination against Roma in early 2012. The case involved refusal of an internship request from two Roma secondary school students on ethnic grounds. The judicial process and verdict is presented in more detail below as a good practice in Section 2.3.
- \* In the city of Kumanovo in the former Yugoslav Republic of Macedonia, the initiative "Stop Double

Discrimination”, implemented by the Roma NGO Drom, focused on applying anti-discrimination legislation to the compound marginalization of Roma women. More details on this project as a good practice are given in Section 2.3.

- \* In Kosovo, local government officials in Gjakovë/Đakovica addressed a case of segregation in a public primary school by abolishing a class consisting of 24 Romani, Ashkali and Egyptian children and distributing the children among classes with an ethnic Albanian majority, at the same time taking steps to improve the living conditions of the Roma, Ashkali and Egyptian children and their families. Additional information on this example of good practice can be found in Section 2.3.
- \* In Montenegro, the Nikšić-based women’s NGO Centre for Roma Initiatives (in co-operation with the Roma, Ashkali and Egyptian Women’s Network Prva (First) implemented a set of activities in late 2012 and early 2013 to draw attention to and prevent forced and arranged marriages, drawing on the experience of ten Roma and Egyptian women in such marriages. These activities are featured as a good practice in Section 2.3.
- \* In Serbia, the first telephone help-line offering services in Romani language for women and children victims of violence was established in 2005 in the city of Niš by the Roma women’s NGO Osvit. This good practice is presented in more detail in Section 2.3.

### **2.3 Good practice in anti-discrimination at the regional and local levels**

Whereas Sections 2.1 and 2.2 provided an overview of legislation, policy and other initiatives relevant to anti-discrimination at the central, regional and local levels, the focus of this section is on good practice. Although most of the section consists of single-page profiles of relevant practices, the summary overview below presents commonalities among the individual profiles.

Of the 14 examples of good practice presented below, seven relate to local-level outreach by state human rights institutions. Such outreach is particularly important for Roma living outside capital cities, for whom travel costs may be prohibitive and communication with government institutions intimidating, difficult or

both for reasons of education and/or language barriers. It is also important that the accountability to the central-level government of the institutions undertaking the outreach presumably makes them much less susceptible to the influence of local-level politics than are ombudsperson institutions established by and accountable to local governments.

An additional four examples of good practice concern children and youth. Whereas the focus of two such initiatives in Albania on children at risk of exploitation and/or trafficking reflects the scope of the problems of child exploitation and trafficking among Roma and Egyptians there, the examples from Croatia address concrete instances of discrimination against Roma, Ashkali and Egyptian children in connection with access to education. An example from Kosovo also addresses such concrete instances.

The remaining three examples of good practice presented in this section are designed primarily to address the situation of Roma women.



# GOOD PRACTICE IN ANTI-DISCRIMINATION 1: ALBANIA

**Name of practice:** *Child Protection Units*

**Initiated by:** *NGO Terre des Hommes, Switzerland*

**Implemented by:**

- \* Terre des hommes
- \* NGO coalition "United for Child Care and Protection" (BKTF), consisting of 25 domestic and international NGOs
- \* Ministry of Labour, Social Affairs and Equal Opportunities
- \* Local self-government units in Elbasan, Fier, Gjirokaster, Korça, Pogradec, Saranda, Tirana and Vlora, as well as four rural areas in the Fier and Vlora regions

**Description**

Within the framework of the project "Developing a Child Protection Safety Net", designed and led by the Swiss NGO Terre des hommes, a total of 33 Child Protection Units (CPUs) have been established within the offices of local self-government units, which have subsequently taken over responsibility for financing the CPUs' operations.

The CPUs address child abuse, neglect, exploitation and trafficking as forms of discrimination. Children identified by employees of the CPUs as at risk or in need of protection are referred to support services according to their assessed needs. Between October 2009 and May 2012, CPUs followed-up on a total of 1,038 cases, referring 217 children to various services. As one of CPUs' target groups (but not the only such group), Roma and Egyptian children account for a majority of the beneficiaries.

**Localities**

- \* Municipalities of Durrës, Elbasan, Fier, Gjirokaster, Korça, Pogradec, Saranda, Tirana and Vlora
- \* Four rural areas in the Fier and Vlora regions

**Key best-practice elements**

- \* Explicit (but not exclusive) targeting of Roma and Egyptians
- \* Mainstreaming of problems faced by Roma and Egyptians
- \* Holistic approach
- \* Multiplier effects

**Website:** <<http://www.tdh.ch/en/countries/albania>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 2: ALBANIA

**Name of practice:** Protection and Integration of Street Children in Tirana

**Initiated by:** Save the Children

**Implemented by:**

- \* Save the Children
- \* Municipality of Tirana
- \* NGO Children of the World and of Albania – Human Rights (FBSH)

**Description**

Implemented in 2009 by Save the Children and, most recently, funded by the EU Delegation in Albania (in 2011 and 2012), this project established a day centre in premises provided by the municipality of Tirana. In each year of its operation, the centre has served approximately 300 children at risk of living and working in the streets and being subject to exploitation and abuse, including trafficking. Insofar as Roma and Egyptian children account for the majority of children living and working in the streets, Roma and Egyptians constitute a main target group of the centre.

The centre undertakes continual outreach work to identify children at risk and establish contact with the children's families. Beyond outreach, services provided by the centre to children at risk and their families include birth- and civil-registration assistance, medical support and school enrolment. At the same time, the centre provides training for service providers in working with children living and working in the streets and with their families.

**Locality:** Tirana

**Key best-practice elements**

- \* Explicit (but not exclusive) targeting of Roma and Egyptians
- \* Mainstreaming of problems faced by Roma and Egyptians
- \* Holistic approach
- \* Multiplier effects

**Website:** <<http://www.scalbania.org/html/wwd.htm>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 3: ALBANIA

**Name of practice:** Co-ordinating provision of emergency services to forcibly evicted Roma families

**Initiated by:** The Albanian Institution of the People's Advocate (ombudsperson)

**Implemented by:**

- \* The Albanian Institution of the People's Advocate
- \* Domestic NGOs: Albanian Red Cross, Alo 116, Children's Human Rights Centre of Albania, Romani Baxt Albania, Tirana Legal Aid Society
- \* International organizations: Roma Education Fund, Swiss Foundation for Innovation, Terre des hommes, World Vision
- \* Vodafone Albania Foundation

**Description**

When eight Roma families were forcibly evicted from temporary accommodation in Tirana in February 2012, in an exceptional example of outreach the People's Advocate provided emergency accommodation for 12 days on the premises of the Institution of the People's Advocate. During this period, the People's Advocate made available the entire staff of the Office to provide counselling to, receive complaints from and identify the legal problems of the families.

The People's Advocate also took the lead in co-ordinating among local, regional and central authorities, as well as with other domestic and international actors for the purpose of finding a sustainable solution that would address the families' needs, not only in relation to living conditions, but also in the areas of education and health. To this end, the People's Advocate communicated on a continuous basis with the Tirana Department of Water Supply and Sewerage, the Police Directorate and Regional Education Directorate, as well as with the Ministry of Health and the Ministry of Labour, Social Affairs and Equal Opportunities. These communications included official recommendations to these partner institutions. Additionally, with an eye to addressing the situation of the evicted families and preventing similar situations in the future, the People's Advocate issued recommendations for amendments to existing legislation on civil registration and housing.

While no sustainable solution for the situation of the families has been implemented to date, the reasons for this are well beyond the scope of work of the Institution of the People's Advocate.

**Locality:** Tirana

**Key best-practice elements**

- \* Explicit targeting of Roma
- \* Mainstreaming of problems faced by Roma
- \* Co-ordination with other policies
- \* Holistic approach

**Website:** <<http://www.avokatipopullit.gov.al/?lang=en>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 4: ALBANIA

## **Name of practice:**

Improving local-level outreach by the Commissioner for Protection from Discrimination

## **Initiated by:**

The Albanian Commissioner for Protection from Discrimination

## **Implemented by:**

- \* The Albanian Commissioner for Protection from Discrimination
- \* Local authorities in Gjirokaster, Grabian, Lezha, Lushnjë, Pogradec, Shushicë and Tirana

## **Description**

With the support of BPRI, co-operation was established in 2012 between seven local self-government units and the Commissioner for Protection from Discrimination (CPD) as the central anti-discrimination institution.

Within the framework of this co-operation, each of the local self-government units involved assigned staff members as "Discrimination Focal Points" to maintain contacts with the CPD, referring cases of discrimination and organizing open days.

Open days held in public spaces are designed to facilitate contacts between members of disadvantaged communities and CPD technical staff. At these events, citizens receive information on relevant legislation and on CPD mechanisms and procedures, as well as assistance in filing complaints to the CPD.

## **Localities**

- \* Communes:<sup>1</sup> Grabian, Shushicë
- \* Municipalities: Gjirokaster, Lezha, Lushnjë, Pogradec and Tirana

## **Key best-practice elements**

- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma and Egyptians
- \* Co-ordination with other policies at local and central levels
- \* Multiplier effects

**Website:** <<http://www.kmd.al/?gj=gj2>>

1 This term is used to refer to rural local self-government units in Albania.



# GOOD PRACTICE IN ANTI-DISCRIMINATION 5: CROATIA

**Name of practice:** Condemning discrimination against Roma

**Initiated by:**

- \* Roma secondary school students Željka Balog and Lidija Ignac
- \* NGO Roma for Roma of Croatia, Čakovec
- \* NGO Centre for Peace Studies, Zagreb
- \* The Croatian Office of the Ombudsperson

**Implemented by:** The Municipal Court in Varaždin

**Description**

A municipal court in the city of Varaždin issued Croatia's first domestic verdict on discrimination against Roma in early 2012. The case began when two Roma students at the Secondary School for Economics, Željka Balog and Lidija Ignac, applied for and were refused a required internship by a Varaždin business.

The students turned to the NGO Roma for Roma of Croatia for help. This organization then worked together with the NGO Centre for Peace Studies and the Office of the Ombudsperson in bringing the case to court.

While the court's decision in the case is not yet legally binding, its potential importance for encouraging other Roma to bring discrimination cases to court, as well as for influencing future jurisprudence in Croatia on discrimination, should not be underestimated.

**Locality:** Varaždin

**Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma
- \* Multiplier effects

**Website:**

<[http://www.h-alter.org/vijesti/ljudska-prava/prva-presuda-za-diskriminaciju-roma-u-hrvatskoj#news\\_view](http://www.h-alter.org/vijesti/ljudska-prava/prva-presuda-za-diskriminaciju-roma-u-hrvatskoj#news_view)>



## GOOD PRACTICE IN ANTI-DISCRIMINATION 6: THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

**Name of practice:** Raising awareness about the position of Roma women and available remedies

**Initiated and implemented by:** Romani Community Centre Drom, Kumanovo

### **Description**

Implemented in 2012 by the Kumanovo-based Roma NGO Drom with funding from UNDP and the UN Office of the High Commissioner for Human Rights, the project “Stop Double Discrimination” focused on applying anti-discrimination legislation to the compound marginalization of Roma women.

The project began with field research on the situation of Roma girls and women in Kumanovo’s three Roma settlements, gathering a total of 400 responses. Among the key findings of the research was the fact that Roma women in Kumanovo are worse off than their male counterparts in terms of both education and employment. The research findings also suggested that the level of discrimination against Roma women can be reduced by securing a higher level of education for Roma girls.

Following completion of the field research, the project organized public discussions bringing together local Roma with representatives of local government and the Office of the Ombudsperson. The project also produced informational materials for distribution in Roma settlements.

**Locality:** Kumanovo

### **Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma
- \* Attention to issues of gender
- \* Co-ordination with other policies

**Website:** <<http://www.drom.org.mk/?lang=2>>



## GOOD PRACTICE IN ANTI-DISCRIMINATION 7: THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

**Name of practice:** Regional offices of the Ombudsperson

**Initiated and implemented by:** Office of the Ombudsperson, Skopje

### Description

The former Yugoslav Republic of Macedonia's 2003 Law on the Ombudsperson calls for the establishment of six regional offices of the Ombudsperson, in addition to the Ombudsperson's headquarters in Skopje.<sup>1</sup> These offices were opened in 2006, each run by a Deputy Ombudsperson.

Since the opening of the regional offices, the caseload of the Office of the Ombudsperson has shown a net increase, both overall and in the number of complaints filed by (self-declared) Roma – whereas the total number of complaints received in 2005 was 3,053, the figure for 2011 was 4,256. Roma also filed 87 complaints with the Ombudsperson in 2011, as compared with 41 in 2005.

The regional offices have also co-operated with Roma NGOs, as well as with the Roma Information Centres established in nine municipalities under the Ministry of Labour and Social Policy.

**Localities:** Bitola, Kičevo, Kumanovo, Strumica, Štip and Tetovo

### Key best-practice elements

- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma
- \* Co-ordination with other policies

**Website:** <<http://www.ombudsman.mk/>>

1 Zakon za Narodniot pravobranitel [Law on the Ombudsperson], *Služben vesnik na Republika Makedonija* 60/2003, Article 44.



# GOOD PRACTICE IN ANTI-DISCRIMINATION 8: KOSOVO\*

**Name of practice:** Combating segregation in education

**Initiated and implemented by:** Municipal authorities in Ferizaj/Uroševac and Gjakovë/Đakovica, with support from the OSCE Mission in Kosovo

## Description

In Ferizaj/Uroševac, a letter from a municipal Officer for Communities and Returns on the existence of an all-Ashkali first grade class in a public primary school prompted the OSCE Mission in Kosovo to discuss the situation with the education department and school directors. The class was subsequently disbanded, with the Ashkali children re-assigned to classes with ethnic Albanian children.

In Gjakovë/Đakovica, when a second grade class in a public primary school was formed consisting of 24 Romani, Ashkali and Egyptian children, a municipal Officer for Communities and Return (an Egyptian) worked together with the Mayor (an ethnic Albanian) to rectify the situation.

The segregated class was abolished, with the Romani, Ashkali and Egyptian children distributed among classes in the school with an ethnic Albanian majority. Other concerns were partially addressed through an initiative of the Mayor to improve the living conditions of the Roma children and their families. This was done through the distribution of 120 building lots for new construction. The construction of houses on the allotted land is underway with support from Caritas Switzerland.

Another case of school segregation in Gjakovë/Đakovica prompted eight parents of Romani, Ashkali and Egyptian children, with support from the Centre for Legal Aid and Regional Development and the European Centre for Minority Issues Kosovo, to file a lawsuit in January 2013.<sup>1</sup>

**Localities:** Ferizaj/Uroševac and Gjakovë/Đakovica

## Key best-practice elements

- \* Explicit targeting of Roma, Ashkali and Egyptians
- \* Direct focus on anti-discrimination
- \* Holistic approach (Gjakovë/Đakovica)
- \* Participation of Roma, Ashkali and Egyptians in designing policy (Gjakovë/Đakovica)

**Websites:** <<http://kk.rks-gov.net/ferizaj/>>, <<http://kk.rks-gov.net/gjakove/>>

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

<sup>1</sup> European Centre for Minority Issues Kosovo, *Segregation in Education in the Municipality of Gjakovë/Đakovica* (Prishtinë/Priština: European Centre for Minority Issues Kosovo, 2013).



# GOOD PRACTICE IN ANTI-DISCRIMINATION 9: KOSOVO\*

**Name of practice:** Improving local-level outreach of the Ombudsperson Institution

**Initiated and implemented by:** Kosovo Ombudsperson Institution, Prishtinë/Priština

## Description

Recent years have seen improved access to the Ombudsperson Institution on the part of rural and vulnerable communities, including Roma, Ashkali and Egyptians. This improvement is due in large part to the Institution's outreach through regional offices and open days.

The five regional offices and two sub-offices of the Ombudsperson Institution provide a continuous presence that has proven useful from the standpoint of providing members of Roma, Ashkali and Egyptian communities (among others) with information on how to address their concerns (which are not limited to discrimination) to the appropriate institutions. Open days in public spaces, on the other hand, bring staff from the central Ombudsperson Institution to each municipality on at least a monthly basis.

Data on the number of complaints filed with the Ombudsperson Institution by Roma have been available since 2010, and the numbers remain small in relation to the total number of complaints received (16 complaints filed by Roma out of a total of 1,233 in 2010; 18 out of 1,453 in 2011).<sup>1</sup> However, insofar as contacts between Roma, Ashkali and Egyptians and the Ombudsperson Institution reportedly result in referral to other institutions, the frequency with which Roma communicate with the Ombudsperson Institution has apparently increased more than is reflected by the statistics on formal complaint submissions.

## Localities

- \* Regional offices: Gjilan/Gnjilane, Gračanica/Graçanicë, Mitrovica, Pejë/Peć and Prizren
- \* Additional sub-offices: Gračanica/Graçanicë and Mitrovica North
- \* Open Days: All municipalities

## Key best-practice elements

- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma, Ashkali and Egyptians
- \* Co-ordination with other policies

**Website:** <<http://www.ombudspersonkosovo.org/?id=2,0,151,157,e>>

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

1 No figures are available on complaints filed by Ashkali or Egyptians.



# GOOD PRACTICE IN ANTI-DISCRIMINATION 10: MONTENEGRO

**Name of practice:** Action against forced marriages

**Initiated by:** NGO Centre for Romani Initiatives, Nikšić

**Implemented by:**

- \* NGO Centre for Romani Initiatives, Nikšić
- \* Roma, Ashkali and Egyptian Women's Network Prva

**Description**

The Nikšić-based women's NGO Centre for Romani Initiatives led implementation of the project "Action against Early and Forced Marriages in the Roma and Egyptian Community" in late 2012 and early 2013. Supported by the United States Embassy in Podgorica, the project was implemented in co-operation with the Roma, Ashkali and Egyptian Women's Network Prva.

Among the key activities of the project was the "Travelling Women's Caravan", organized in October 2012. The Caravan, which featured ten Roma and Egyptian women with personal experience in forced and arranged marriages, distributed printed material on the rights of women and girls and visited 17 Roma settlements in Berane, Nikšić, Podgorica and Ulcinj. A documentary film containing testimonials of victims of forced and arranged marriages was also made, with financing from the Gender Equality Department of the Ministry of Justice and the Ministry for Human and Minority Rights.

The project also included a march in Podgorica. At the march, Roma and Egyptian women and girls were joined by other Roma and Egyptians, as well as by representatives of non-Roma NGOs, political parties, the European Women's Lobby and the Gender Equality Department of the Ministry of Justice.

**Localities:** Berane, Nikšić, Podgorica and Ulcinj

**Key best-practice elements**

- \* Explicit targeting of Roma and Egyptians
- \* Direct focus on anti-discrimination
- \* Attention to issues of gender

**Websites:** <<http://www.crink.me>>, <<https://www.facebook.com/centarzaromske.inicijative?ref=ts&fref=ts>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 11: MONTENEGRO

**Name of practice:** Ombudsperson's Days

**Initiated and implemented by:** The Office of the Protector of Human Rights and Freedoms (ombudsperson), Podgorica

## **Description**

Montenegro's Office of the Protector of Human Rights and Freedoms undertakes outreach beyond Podgorica through occasional visits to localities throughout the country. This practice, called "Ombudsperson's Days" (Dani Zaštitnika) involves not only direct contacts with individual citizens, but also meetings with representatives of units of local self-government, as well as visits to educational institutions.

While direct contacts between the Ombudsperson and his/her staff serve primarily to collect complaints related to the work of state institutions, institutions of local self-government and other public authorities, the meetings with representatives of units of local self-government and visits to educational institutions are used to disseminate information on the scope of work of the Office of the Protector of Human Rights and Freedoms, as well as on complaints received from citizens in relation to the functioning of local institutions.

Whereas three Ombudsperson's Days were held in 2011, the frequency of outreach by the Office of the Protector of Human Rights and Freedoms more than tripled in 2012.

**Localities:** Statewide

## **Key best-practice elements**

- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma

**Website:** <<http://www.ombudsman.co.me/eng/index.htm>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 12: SERBIA

**Name of practice:** Bilingual telephone help-line for women and children victims of violence

**Initiated and implemented by:** Association of Roma Women Osvit (Niš)

## Description

Established in 2005 by the Niš-based Roma women's NGO Osvit, this telephone help-line is the first such service in Romani language in Europe. The service operates 24 hours a day, in both Romani and Serbian languages, and has gradually increased the number of non-Roma women served since city funding was cut for a telephone help-line for the general population.

Whereas between 1992 and 2005 the help-line operated by the city of Niš received calls from only seven Roma women, the help-line operated by Osvit took over 900 calls from Roma women from 2005 to 2011, as well as calls from 1,457 non-Roma women.

The telephone help-line provides referrals to local public services and support in filing documents; the organization has signed a memorandum of co-operation with the local Centre for Social Work Sveti Sava. Additionally, Osvit holds monthly workshops in Roma settlements on domestic violence, targeting men as well as women.

**Locality:** Niš

## Key best-practice elements

- \* Explicit (but not exclusive) targeting of Roma
- \* Direct focus on anti-discrimination
- \* Integrated approach to non-Roma as well as Roma
- \* Attention to issues of gender

**Website:** <<https://www.facebook.com/pages/Udru%C5%BEenje-Romkinja-Osvit/197466090294954>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 13: SERBIA

**Name of practice:** Outreach by the Commissioner for the Protection of Equality

**Initiated by:** The Serbian Commissioner for the Protection of Equality

**Implemented by:**

- \* The Serbian Commissioner for the Protection of Equality, Belgrade
- \* NGO Praksis (Belgrade)
- \* NGO Regional Centre for Minorities (Belgrade)

**Description**

In addition to investigating individual cases of discrimination against Roma and elaborating and publishing formal opinions on such cases in areas including education, housing and public information, in 2012 the Belgrade-based Commissioner for the Protection of Equality launched an initiative for direct outreach to local Roma communities.

Outreach activities have been undertaken in co-operation with the NGOs Praksis and the Regional Centre for Minorities (both also based in Belgrade) within the framework of the project "Equal Chances for Better Prospects – Strengthening Roma in Combating Discrimination." The project is supported by the government of the Netherlands.

With an eye to establishing communication with Roma communities throughout the country, the project targets ten localities (not all of which had been defined as of January 2013). In each project locality, staff from the Office of the Commissioner for the Protection of Equality visit Roma settlements to engage in an informal exchange with local Roma about their problems and the remedies offered by the Commissioner for the Protection of Equality and other institutions for addressing those problems.

**Localities:** Novi Pazar, Prokuplje, Smederevska Palanka and seven others (to be determined)

**Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma

**Website:** <<http://www.ravnopravnost.gov.rs/engleski.php>>



# GOOD PRACTICE IN ANTI-DISCRIMINATION 14: SERBIA

**Name of practice:** Outreach by the ombudsperson institution

**Initiated and implemented by:** The Serbian Deputy Protector of Citizens (ombudsperson) for the Rights of National Minorities, Belgrade

## Description

Under the leadership of the Deputy Protector of Citizens for the Rights of National Minorities, a team from the Belgrade-based Office of the Protector of Citizens visits Roma settlements on at least a weekly basis to provide information and services to local Roma communities.

Consistent with this approach, the Office of the Protector of Citizens monitored closely the process of resettling the inhabitants of the informal Roma settlement near Belvil in Belgrade, issuing a detailed report, attending to both positive and negative aspects of the process.<sup>1</sup>

The Protector of Citizens also operates local offices in Bujanovac, Medveđa and Preševo, as well as video links for contact with the institution from ten other municipalities. The office reports, however, that field visits have proven the most effective way to make the Office of the Protector of Citizens accessible to Roma.

## Localities

- \* Outreach in Roma settlements: Statewide
- \* Local office: Bujanovac, Medveđa and Preševo
- \* Video links: Bačka Palanka, Bor, Dimitrovgrad, Kruševac, Leskovac, Novi Pazar, Prijepolje, Sviljanac, Šid and Užice

## Key best-practice elements

- \* Explicit targeting of Roma
- \* Direct focus on anti-discrimination
- \* Mainstreaming of problems faced by Roma

**Website:** <<http://www.ombudsman.pravamanjina.rs/index.php/sr>>

<sup>1</sup> Zaštitnik građana, *Izveštaj sa preporukama o raseljavanju neformalnog romskog naselja pored "Belvila"* [Report with Recommendations on the Resettlement of the Informal Romani Settlement Near "Belvil"] (Beograd: Zaštitnik građana, 2012), <[http://www.ombudsman.rs/index.php/lang-sr\\_YU/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32](http://www.ombudsman.rs/index.php/lang-sr_YU/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32)>.

## Endnotes

- 1 President of the Republic of Albania, *Constitution of the Republic of Albania* (Tirana: President of the Republic of Albania, 1998), Article 18, <<http://legislationline.org/documents/section/constitutions>>.
- 2 *Ibid.*, Article 20; see also Government of the Republic of Albania, *National Strategy for Improving Roma Living Conditions* (Tirana: Organization for Security and Co-operation in Europe, 2003), p. 7, <<http://www.osce.org/albania/21232>>.
- 3 See Minority Rights Group International, “Egyptians”, website, <<http://www.minorityrights.org/1377/albania/egyptians.html>>.
- 4 President of the Republic of Albania, *Constitution of the Republic of Albania* (Tirana: President of the Republic of Albania, 1998), Chapter VI, <<http://legislationline.org/documents/section/constitutions>>.
- 5 Council of Ministers of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina* (Sarajevo: Council of Ministers of Bosnia and Herzegovina, 2003), Article II.4, <<http://legislationline.org/documents/section/constitutions>>.
- 6 Constitution of the Federation of Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina* 63/2003, Articles II.A.2.1.d; II.A.2.1.r, <<http://legislationline.org/download/action/download/id/1577/file/cf85ae3b01cladcd1b6eed4a3b84.htm#preview>>.
- 7 *Ibid.*, Part II.B.
- 8 Constitution of Republika Srpska, *Official Gazette of Republika Srpska* 21/1996, Articles 5 and 10, <<http://legislationline.org/download/action/download/id/1580/file/c8ea79bc0db11c11f49f19525f43.htm#preview>>.
- 9 Constitution of the Republic of Croatia (Consolidated Text), *Narodne novine* 76/2010, <<http://www.sabor.hr/Default.aspx?art=2405>>.
- 10 *Ibid.*, Articles 14 and 15. Article 15 also calls for a constitutional act on the rights of national minorities.
- 11 *Ibid.*, Article 93.
- 12 Ustav na Republika Makedonija [Constitution of the Republic of Macedonia], *Služben vesnik na Republika Makedonija* 52/1991, <<http://legislationline.org/documents/section/constitutions>>; Amandmani IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII i XVIII na Ustavot na Republika Makedonija [Amendments IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII and XVIII to the Constitution of the Republic of Macedonia], *Služben vesnik na Republika Makedonija* 91/2001, <<http://eudo-citizenship.eu/NationalDB/docs/MAC%20Const%20Amendments%20IV-XVIII%20%28mkd%29.pdf>>.
- 13 *Ibid.*, Articles 9 and 54.
- 14 *Ibid.*, Article 77.
- 15 Constitutional Commission of the Republic of Kosovo, *Constitution of the Republic of Kosovo* (Prishtinë/Priština: Government of Kosovo, 2008), Articles and 24.2, <<http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf>>.
- 16 *Ibid.*, Article 7.
- 17 *Ibid.*, Article 58.
- 18 *Ibid.*, Articles 132-135.
- 19 Constitutional Assembly of the Republic of Montenegro, *Constitution of the Republic of Montenegro* (Podgorica: Official Gazette of the Republic of Montenegro, 2007), Article 8, <<http://legislationline.org/download/action/download/id/929/file/b4b8702679c8b42794267c691488.htm#preview>>.
- 20 *Ibid.*, Article 80.
- 21 *Ibid.*, Article 81.
- 22 National Assembly of the Republic of Serbia, *Constitution of the Republic of Serbia* (Belgrade: Official Gazette of the Republic of Serbia, 2006), Article 3, <[http://www.wipo.int/wipolex/en/text.jsp?file\\_id=191258](http://www.wipo.int/wipolex/en/text.jsp?file_id=191258)>.
- 23 *Ibid.*, Article 15.
- 24 *Ibid.*, Article 21.
- 25 *Ibid.*, Articles 76 and 78.
- 26 *Ibid.*, Article 138.
- 27 See Anti-Discrimination Act, *Official Gazette of the Republic of Croatia* 85/2008, <[http://www.ombudsman.hr/dodaci/The\\_anti-discrimination\\_act.pdf](http://www.ombudsman.hr/dodaci/The_anti-discrimination_act.pdf)>; the Anti-Discrimination Law, *Official Gazette of the Provisional Institutions of Self-Government in Kosovo* 3/2004, <<http://www.assembly-kosova.org/?cid=2,191,112>>; Law no. 10 221 of 4.2.2010 on Protection from Discrimination, *Official Gazette of the Republic of Albania* 15/2010, <[http://kmd.al/skedaret/1306833181-Anti-discrimination%20law%20En\\_FZ.pdf](http://kmd.al/skedaret/1306833181-Anti-discrimination%20law%20En_FZ.pdf)>; Law on Prevention and Protection against Discrimination, *Official Gazette of the Republic of Macedonia* 50/2010, <<http://www.legislationline.org/topics/country/31/topic/84>>; Law on Prohibition of Discrimination, *Official Gazette of Bosnia and Herzegovina* 59/2009, <<http://www.queer.ba/en/content/law-prohibition-discrimination>>; Law on Prohibition of Discrimination, *Official Gazette of Montenegro* 46/2010, <<http://legislationline.org/documents/action/popup/id/16579>>; Law on the Prohibition of Discrimination, *Official Gazette of the Republic of Serbia* 22/2009, <<http://www.ravnopravnost.gov.rs/eng/antidiscriminationLegislationSerbia.php?idKat=5>>.
- 28 As defined in the EU Race Directive, direct discrimination occurs “where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin.” Indirect discrimination, on the other hand, occurs “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons.” See Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin, *Official Journal of the European Communities* 180/2000, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>>.
- 29 While the Office of the Ombudsperson in Kosovo pre-dates the adoption of *The Anti-Discrimination Law*, the Law served as the basis for the establishment of the Office on Good Governance, Human Rights, Equal Opportunities and Gender Issues under the Office of the Prime Minister, as well as for the creation of Human Rights Units in each ministry.
- 30 Law on Prevention and Protection against Discrimination, *Official Gazette of the Republic of Macedonia* 50/2010, Chapter IV, <<http://www.legislationline.org/topics/country/31/topic/84>>; Law on the Prohibition of Discrimination, *Official Gazette of the Republic of Serbia* 22/2009, Chapter IV, <<http://www.ravnopravnost.gov.rs/eng/antidiscriminationLegislationSerbia.php?idKat=5>>; Law no. 10 221 of 4.2.2010 on Protection from Discrimination, *Official*

- Gazette of the Republic of Albania* 15/2010, Chapter V, <[http://kmd.al/skedaret/1306833181-Anti-discrimination%20law%20En\\_FZ.pdf](http://kmd.al/skedaret/1306833181-Anti-discrimination%20law%20En_FZ.pdf)>.
- 31 Law on Prohibition of Discrimination, *Official Gazette of Montenegro* 46/2010, Article 6, <<http://legislationline.org/documents/action/popup/id/16579>>; see also European Court of Human Rights, *D.H. and Others v. the Czech Republic* (Strasbourg: Council of Europe, 2007), <<http://www.errc.org/cms/upload/media/02/D1/m000002D1.pdf>>.
- 32 The *Law on Advancement and Protection of the Rights of the Members of the Communities Which Are Less than 20% of the Population in the Republic of Macedonia* is not treated in this section for lack of provisions directly addressing discrimination. Provisions of this law related to minority participation in decision-making are treated in Section 3.1.
- 33 Law on Protection of the Rights of National Minorities, *Official Gazette of Bosnia and Herzegovina* 24/2003, Articles 3-4, <[http://www.advokat-prnjavorac.com/legislation/LAW\\_ON%20RIGHTS\\_OF%20NATIONAL\\_%20MINORITIES\\_BOSNIA.pdf](http://www.advokat-prnjavorac.com/legislation/LAW_ON%20RIGHTS_OF%20NATIONAL_%20MINORITIES_BOSNIA.pdf)>.
- 34 Constitutional Act on the Rights of National Minorities in the Republic of Croatia, *Narodne novine* 80/2010, Article , <<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan017847.pdf>>.
- 35 Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo, *Official Gazette of the Republic of Kosovo* 3/2010, Article 1, <<http://www.assembly-kosova.org/?cid=2,191,254>>.
- 36 *Ibid.*, Articles 1, 3. In Kosovo, minority rights are also widely considered to be within the remit of Human Rights Units established within each ministry. See <http://www.ecmikosovo.org/index.php/institutional-structures>.
- 37 Zakon o manjinskim pravima i slobodama, *Službeni list Crne Gore* 2/2011, <<http://www.minmanj.gov.me/biblioteka/zakoni>>.
- 38 Zakon o zaštiti prava i sloboda nacionalnih manjina, *Službeni list Savezne Republike Jugoslavije* 11 and 57/2002, Article 3, <[http://www.tvojpglas.rs/upload/files/Zakon\\_o\\_zastiti\\_prava\\_i\\_slododa\\_nacionalnih\\_manjina.pdf](http://www.tvojpglas.rs/upload/files/Zakon_o_zastiti_prava_i_slododa_nacionalnih_manjina.pdf)>. Adopted in the Federal Republic of Yugoslavia, this law remains on the books in the Republic of Serbia but not in Montenegro.
- 39 All references to Kosovo institutions/leaders refer to the Provisional Institutions of Self Government.
- 40 Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo, *Official Gazette of the Republic of Kosovo* 3/2010, Article 1.4, <<http://www.assembly-kosova.org/?cid=2,191,254>>; Law on Amending and Supplementing of the Law No. 03/L-047 on the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo, *Official Gazette of the Republic of Kosovo* 4/2011, Article 1, <<http://www.assembly-kosova.org/common/docs/ligjet/Law%20on%20amending%20the%20law%20on%20communities.pdf>>.
- 41 Ministry for Communities and Return, “Ministry for Community and Return”, website, <<http://www.mkk-ks.org/?page=2,57>>.
- 42 Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo, *Official Gazette of the Republic of Kosovo* 3/2010, Article 12, <<http://www.assembly-kosova.org/?cid=2,191,254>>.
- 43 Office of the Prime Minister, “Office for Community Affairs”, website, <<http://www.kryeministri-ks.net/zck/?page=2,14>>.
- 44 Law on Local Self-Government, *Official Gazette of the Republic of Kosovo* 3/2008, Article 53, <[http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L040\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf)>.
- 45 Government of the Republic of Kosovo, *Regulation No. 2/2010 for the Municipal Offices for Communities and Return* (Prishtinë/Priština: Government of the Republic of Kosovo, 2010), <[http://www.kryeministri-ks.net/repository/docs/Rregullore\\_per\\_Zyrat\\_komunale\\_per\\_Komunitete\\_dhe\\_Kthim.pdf](http://www.kryeministri-ks.net/repository/docs/Rregullore_per_Zyrat_komunale_per_Komunitete_dhe_Kthim.pdf)>.
- 46 Law on Local Self-Government, *Official Gazette of the Republic of Kosovo* 3/2008, Articles 54, 61, <[http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L040\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf)>.
- 47 For current legislation on gender equality in the Western Balkans, see Law no. 9 970 of 24.7.2008 on Gender Equality in Society, *Official Gazette of the Republic of Albania* 117/2008, <<http://www.osce.org/albania/36682>>; Law on Gender Equality in Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina* 102/2009, <<http://www.arsbih.gov.ba/en/legal-framework/law-on-gender-equality-in-bih>>; Law on Gender Equality in Kosovo, *Official Gazette of the Republic of Kosovo* 2/2004, <[http://www.assembly-kosova.org/common/docs/ligjet/2004\\_2\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2004_2_en.pdf)>; Law on Gender Equality in Montenegro, *Official Gazette of Montenegro* 46/2007, <<http://www.legislationline.org/documents/id/3922>>; Zakon o ravnopravnosti polova, *Službeni glasnik Republike Srbije* 104/2009, <[http://www.gendernet.rs/files/dokumental/Domaci/Zakon\\_o\\_ravnopravnosti\\_polova\\_2009.pdf](http://www.gendernet.rs/files/dokumental/Domaci/Zakon_o_ravnopravnosti_polova_2009.pdf)>; Zakon o ravnopravnosti spolova, *Narodne novine* 82/2008, <<http://www.zakon.hr/z/388/Zakon-o-ravnopravnosti-spolova>>; Zakon za ednakvi možnosti na ženite i mažite, *Služben vesnik na Republika Makedonija* 6/2012, <<http://www.pravo.org.mk/documentDetail.php?id=6240>>.
- 48 See Agency for Gender Equality, *Kosovo Program for Gender Equality* (Prishtinë/Priština: Agency for Gender Equality, 2008); Gender Equality Agency of Bosnia and Herzegovina, *Gender Action Plan of Bosnia and Herzegovina (GAP)* (Sarajevo: Ministry for Human Rights and Refugees, 2006), <<http://www.arsbih.gov.ba/en/legal-framework/strategies/gender-action-plan-gap>>.
- 49 Insofar as the references to Roma women in the former Yugoslav Republic of Macedonia’s *National Action Plan for Gender Equality 2007-2012* relate to participation in decision-making, these are discussed in Section 3.1.
- 50 Ministry of Labour, Social Affairs and Equal Opportunities, *National Strategy on Gender Equality and Reduction of Gender Based Violence and Domestic Violence* (Tirana: Ministry of Labour, Social Affairs and Equal Opportunities, 2011), pp. 51-52. The other references in the Albanian *Strategy to Roma and Egyptian women* relate to access to social services, employment and vocational education.
- 51 Hrvatski Sabor, *Nacionalna politika za ravnopravnost spolova, za razdoblje od 2011. do 2015. godine [National Policy on Gender Equality for the Period from 2011 to 2015]*. Zagreb: Narodne novine, 2011), Section 1.2.2, <[http://narodne-novine.nn.hr/clanci/sluzbeni/2011\\_07\\_88\\_1868.html](http://narodne-novine.nn.hr/clanci/sluzbeni/2011_07_88_1868.html)>. The other two references to Roma women in the document relate to education (see Sections 1.2.3, 1.2.4).
- 52 Government of Montenegro, *Action Plan for the Achievement of Gender Equality in Montenegro (2008-2012)* (Podgorica: Government of Montenegro, 2008), Section 3.4, Goal 4.4.6, <<http://www.undp.org/me/si/projects/Gender%20Programme/docs/National%20Action%20Plan%20for%20GE.pdf>>.
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- 2008), Sections 2.2, 4.2.2, <<http://www.centaralter.org.rs/bibliotekica.html>>.
- 54 Government of the Republic of Albania, *National Strategy for Improving Roma Living Conditions* (Tirana: Organization for Security and Co-operation in Europe, 2003), pp. 12, 18, <<http://www.osce.org/albania/21232>>.
- 55 *Ibid.*, p. 25.
- 56 *Ibid.*, p. 41.
- 57 Ministry of Labour, Social Affairs and Equal Opportunities, *National Action Plan for the Decade of Roma Inclusion 2010-2015* (Tirana: Ministry of Labour, Social Affairs and Equal Opportunities, 2009), Objective 2, <[http://www.romadecade.org/files/downloads/Decade%20National%20Action%20Plan\\_Albania.pdf](http://www.romadecade.org/files/downloads/Decade%20National%20Action%20Plan_Albania.pdf)>.
- 58 Vijeće Ministara Bosne i Hercegovine. 2005. *Strategija Bosne i Hercegovine za rješavanje problema Roma [Strategy of Bosnia and Herzegovina for Solving the Problems of the Roma]* (Sarajevo: Vijeće Ministara Bosne i Hercegovine 2005), p. 2, <<http://www.ombudsmen.gov.ba/odjeli/Strategija%20BiH%20za%20rjesavanje%20problema%20Roma%20Sl.%20glasnik%20BiH%2067-05.pdf>>.
- 59 *Ibid.*, p. 14.
- 60 Council of Ministers of Bosnia and Herzegovina, *Action Plan on the Education Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina* (Sarajevo: Council of Ministers of Bosnia and Herzegovina, 2004), <[http://www.oscebih.org/documents/osce\\_bih\\_doc\\_2004031215460167eng.pdf](http://www.oscebih.org/documents/osce_bih_doc_2004031215460167eng.pdf)>.
- 61 Council of Ministers of Bosnia and Herzegovina, *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care* (Sarajevo: Council of Ministers of Bosnia and Herzegovina, 2007), Objective 2, <[www.romadecade.org](http://www.romadecade.org)>.
- 62 *Ibid.*, Objective 5, Measure 10.
- 63 *Ibid.*, Objective 5, Measure 4.
- 64 *Ibid.*, Objective 5, Measure 10.
- 65 Ured za nacionalne manjine Vlade Republike Hrvatske, *Akcijski plan Desetljeća za uključivanje Roma za 2011. i 2012. godinu [Action Plan of the Decade of Roma Inclusion for 2011 and 2012]* (Zagreb: Ured za nacionalne manjine Vlade Republike Hrvatske, 2011), <[http://www.vlada.hr/hr/uredi/ured\\_za\\_nacionalne\\_manjine/akcijijski\\_plan\\_desetljeca\\_za\\_ukljucivanje\\_roma\\_2005\\_2015/akcijijski\\_plan\\_desetljeca\\_za\\_ukljucivanje\\_roma\\_za\\_2011\\_i\\_2012\\_godinu](http://www.vlada.hr/hr/uredi/ured_za_nacionalne_manjine/akcijijski_plan_desetljeca_za_ukljucivanje_roma_2005_2015/akcijijski_plan_desetljeca_za_ukljucivanje_roma_za_2011_i_2012_godinu)>; Ured za ljudska prava i prava nacionalnih manjina, *Nacionalna strategija za uključivanje Roma, za razdoblje od 2013. do 2020. godine [National Strategy for Inclusion of Roma, for the Period from 2013 to 2020]* (Zagreb: Ured za ljudska prava i prava nacionalnih manjina, 2012), Section IV.2, <[http://www.vlada.hr/hr/naslovnica/sjednice\\_i\\_odluke\\_vlade\\_rh/2012/64\\_sjednica\\_vlade\\_republike\\_hrvatske](http://www.vlada.hr/hr/naslovnica/sjednice_i_odluke_vlade_rh/2012/64_sjednica_vlade_republike_hrvatske)>.
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- 68 *Ibid.*, Section II.9.3.
- 69 Ministerstvo za trud i socijalna politika, *Revizija na Nacional-nite akciski planovi od "Dekadata za uključivanje na Romite 2005-2015" i Strategija za Romite vo Republika Makedonija za period 2009-2011 [Revision of the National Action Plans of the Decade of Roma Inclusion 2005-2015 and Strategy for Roma in the Republic of Macedonia for the Period 2009-2011]* (Skopje: Ministerstvo za trud i socijalna politika, 2009), Health, Measure 6.3, <[http://www.mtsp.gov.mk/WBStorage/Files/revizija\\_nap\\_dekada.pdf](http://www.mtsp.gov.mk/WBStorage/Files/revizija_nap_dekada.pdf)>.
- 70 *Ibid.*, Education, Measure 1.3.
- 71 *Ibid.*, Education, Measure 3.8.
- 72 *Ibid.*, Education, Measure 5.1.
- 73 Ministerstvo za trud i socijalna politika, *Nacionalen akciski plan za unapređivanje na opštestvenata položba na Romkite vo R. Makedonija 2011-2013 [National Action Plan for Advancement of the Societal Position of Romani Women in the Republic of Macedonia 2011-2013]* (Skopje: Ministerstvo za trud i socijalna politika, 2010), <<http://www.mtsp.gov.mk/?ItemID=6FC822BBA79A61429117F41943673AE4>>.
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- 75 *Ibid.*, pp.10, 15.
- 76 Government of the Republic of Kosovo, *The Republic of Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015* (Prishtinë/Priština: Government of the Republic of Kosovo, 2009), Education, Objective 2, Activities 2.1-2.4, <[http://www.kryeministri-ks.net/zck/repository/docs/Action\\_Plan\\_on\\_the\\_Implementation\\_of\\_the\\_Strategy\\_for\\_the\\_Integration\\_of\\_Roma,\\_Ashkali\\_and\\_Egyptian\\_Communities\\_2009-2015.pdf](http://www.kryeministri-ks.net/zck/repository/docs/Action_Plan_on_the_Implementation_of_the_Strategy_for_the_Integration_of_Roma,_Ashkali_and_Egyptian_Communities_2009-2015.pdf)>.
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- 78 *Ibid.*, pp. 6, 23, 25-26.
- 79 Ministry of Human and Minority Rights, *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (Belgrade: Ministry of Human and Minority Rights, 2010), Section 13.4, <<http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-EN-web-FINAL.pdf>>.
- 80 *Ibid.*
- 81 Some cantons in the Federation of Bosnia and Herzegovina have also adopted their own legislation on free legal aid.
- 82 Zakon o besplatnoj pravnoj pomoći [Law on Free Legal Aid], *Službeni list Crne Gore* 20/2011, Article 7, <[http://posao.crna.gora.me/zakoni\\_i\\_ugovori/zakon\\_o\\_besplatnoj\\_pravnoj\\_pomoci.pdf](http://posao.crna.gora.me/zakoni_i_ugovori/zakon_o_besplatnoj_pravnoj_pomoci.pdf)>. The excluded categories are registration of firms; suing for damages in collection with libel and slander; and applications for reduction of child support payments.

- 83 Law on Free Legal Aid, *Official Gazette of the Republic of Kosovo* 3/2012, Article 4, <<http://www.assembly-kosova.org/?cid=2,191,846>>.
- 84 Law No. 10 039 of 22.12.2008 on Legal Aid, *Official Gazette of the Republic of Albania* 199/2008, Article 13, <<http://www.eurallius.eu/en/albanian-laws>>.
- 85 Zakon o besplatnoj pravnoj pomoći [Law on Free Legal Aid], *Narodne novine* 81/2011, Article 5, <<http://www.propisi.hr/print.php?id=8150>>.
- 86 Zakon za besplatna pravna pomoš [Law on Free Legal Aid], *Služben vesnik na Republika Makedonija* 161/2009, Article 8, <<http://www.pravo.org.mk/documentDetail.php?id=4789>>.
- 87 Law on Free Legal Aid, *Official Gazette of the Republic of Kosovo* 3/2012, Article 25, <<http://www.assembly-kosova.org/?cid=2,191,846>>; Zakon o besplatnoj pravnoj pomoći [Law on Free Legal Aid], *Službeni glasnik Republike Srpske* 120/2008, Article 15, <[www.mpravde.gov.rs](http://www.mpravde.gov.rs)>; Zakon o besplatnoj pravnoj pomoći [Law on Free Legal Aid], *Službeni list Crne Gore* 20/2011, Article 8, <[http://posao.crna.gora.me/zakoni\\_i\\_ugovori/zakon\\_o\\_besplatnoj\\_pravnoj\\_pomoci.pdf](http://posao.crna.gora.me/zakoni_i_ugovori/zakon_o_besplatnoj_pravnoj_pomoci.pdf)>.
- 88 Interestingly, two of the four NGOs accredited by the end of 2011 to provide free legal aid in the former Yugoslav Republic of Macedonia are Roma NGOs: National Roma Centrum in Kumanovo and Roma SOS in Prilep.
- 89 Data provided by UNDP Serbia.
- 90 See Milena Isaković, “Effective and Sustainable Free Legal Aid in Serbia”, PowerPoint presentation, <<http://www.undp.org.rs/index.cfm?event=public.ProjectsDetails&revid=E1DD9B69-9D07-726B-5520A0B6C6CBD9F4>>.
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- 92 Commissioner for Protection from Discrimination, *Strategic Plan and Action Plan for the Commissioner on Protection from Discrimination 2012-2015* (Tirana: Commissioner for Protection from Discrimination, 2011), p. 29, <[http://www.simpleproject.eu/sites/default/files/albanian\\_strategic\\_plan\\_2012-2015\\_and\\_action\\_plan\\_for\\_2012\\_of\\_the\\_commissioner\\_for\\_protection\\_from\\_discrimination.pdf](http://www.simpleproject.eu/sites/default/files/albanian_strategic_plan_2012-2015_and_action_plan_for_2012_of_the_commissioner_for_protection_from_discrimination.pdf)>.
- 93 Zakon o pučkom pravobranitelju [Law on the Ombudsperson], *Narodne novine* 125/2011, Article 39, <<http://www.zakon.hr/z/128/Zakon-o-pu%C4%8Dkom-pravobranitelju>>.
- 94 Zakon za narodniot pravobranitel [Law on the Ombudsperson], *Služben vesnik na Republika Makedonija* 60/2003, Article 44, <<http://ombudsman.mk/upload/documents/Zakon%20na%20NP.PDF>>.
- 95 Law on Ombudsperson, *Official Gazette of the Republic of Kosovo* 3/2010, Article 29, <<http://www.assembly-kosova.org/common/docs/ligjet/2010-195-eng.pdf>>.
- 96 Zakon o zaštitniku/ci ljudskih prava i sloboda Crne Gore [Law on the Protector of Human Rights and Freedoms of Montenegro], *Službeni list Crne Gore* 42/2011, Article 5, <<http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag={051A597E-03A6-47C5-998C-5872FC6C221E}>>>.
- 97 Zakon o Zaštitniku građana [Law on the Protector of Citizens], *Službeni glasnik Republike Srbije* 54/2007, Article 3, <[http://www.ombudsman.rs/index.php/lang-sr\\_YU/o-nama/normativni-okvir-za-rad/126-2008-04-21-07-39-21](http://www.ombudsman.rs/index.php/lang-sr_YU/o-nama/normativni-okvir-za-rad/126-2008-04-21-07-39-21)>.
- 98 Law no. 9 970 of 24.7.2008 on Gender Equality in Society, *Official Gazette of the Republic of Albania* 117/2008, Article 14, <<http://www.osce.org/albania/36682>>.
- 99 Law on Gender Equality in Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina* 102/2009, Article 27, <<http://www.arsbih.gov.ba/en/legal-framework/law-on-gender-equality-in-bih>>.
- 100 Zakon o ravnopravnosti spolova [Law on Gender Equality], *Narodne novine* 82/2008, Article 28, <<http://www.zakon.hr/z/388/Zakon-o-ravnopravnosti-spolova>>.
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- 102 Law on Gender Equality in Kosovo, *Official Gazette of the Republic of Kosovo* 2/2004, Article 4.15, <[http://www.assembly-kosova.org/common/docs/ligjet/2004\\_2\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2004_2_en.pdf)>.
- 103 Zakon o ravnopravnosti polova [Law on Gender Equality], *Službeni glasnik Republike Srbije* 104/2009, Article 39, <[http://www.gendernet.rs/files/dokumenta/Domaci/Zakon\\_o\\_ravnopravnosti\\_polova\\_2009.pdf](http://www.gendernet.rs/files/dokumenta/Domaci/Zakon_o_ravnopravnosti_polova_2009.pdf)>.
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- 106 Ured za ljudska prava i prava nacionalnih manjina, “Adrese i kontakti Županijskih koordinacija za ljudska prava [Addresses and Contact Information of County Co-ordinations for Human Rights]”, <[http://www.uljppnm.vlada.hr/index.php?option=com\\_content&view=article&id=114](http://www.uljppnm.vlada.hr/index.php?option=com_content&view=article&id=114)>.
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- 108 This term is used to refer to rural local self-government units in Albania.
- 109 Zakon za Narodniot pravobranitel [Law on the Ombudsperson], *Služben vesnik na Republika Makedonija* 60/2003, Article 44.
- 110 European Centre for Minority Issues Kosovo, *Segregation in Education in the Municipality of Gjakovë/Đakovica* (Prishtinë/Priština: European Centre for Minority Issues Kosovo, 2013).
- 111 No figures are available on complaints filed by Ashkali or Egyptians.
- 112 Zaštitnik građana, *Izveštaj sa preporukama o raseljavanju neformalnog romskog naselja pored “Belvila” [Report with Recommendations on the Resettlement of the Informal Romani Settlement Near “Belvil”]* (Beograd: Zaštitnik građana, 2012), <[http://www.ombudsman.rs/index.php/lang-sr\\_YU/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32](http://www.ombudsman.rs/index.php/lang-sr_YU/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32)>.





# *Participation in decision-making*

# Participation in decision-making

Attention to issues of equitable participation in decision-making comes in constitutions and in legislation on elections, minorities and gender equality adopted throughout the Western Balkans, as well as in strategies and national action plans for Roma. As is the case with anti-discrimination, initiatives generated at the central level to promote participation in decision-making vary less than do locally-generated initiatives for this purpose. On the other hand, there is arguably both more good practice and more variation within the body of local-level good practice in the area of participation in decision-making than in the area of anti-discrimination.

## 3.1 Central-level policies and initiatives

### Constitutions

With the exceptions of Albania and Bosnia and Herzegovina, Western Balkan constitutions attend explicitly to the participation of minorities in decision-making. Additionally, the Croatian, Montenegrin and Serbian Constitutions contain specific mention of minority participation in decision-making at the local level. Such mention is also included in Kosovo.

- \* The Albanian Constitution guarantees political rights and freedoms to all citizens, but does not mention minorities.<sup>1</sup>
- \* The Constitution of Bosnia and Herzegovina effectively excludes Roma – as they are not Bosniacs, Croats or Serbs – from election to the upper house of the Parliamentary Assembly and to the Presidency.<sup>2</sup> The respective constitutions of Bosnia and Herzegovina's two entities, however, contain provisions guaranteeing citizens the right to participate in public affairs.<sup>3</sup>
- \* Beyond guaranteeing the right to participation in the conduct of public affairs in general, and at the local level in particular, the Croatian Constitution notes that “the rights of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law.”<sup>4</sup>
- \* In addition to making a general call for the equitable representation of persons belonging to all communities in public life, the former Yugoslav Republic of Macedonia's Constitution requires a majority vote from parliamentary representatives of minorities, as well as a majority of all votes in the Assembly, in order to pass legislation “directly affect[ing] culture, use of language, education, personal documentation and use of symbols.”<sup>5</sup> The Constitution also provides for the establishment of a Committee for Inter-Community Relations as an advisory body within the Assembly, consisting of seven Macedonians, seven Albanians and one member each from the Bosniac, Roma, Serb, Turk and Vlach communities.<sup>6</sup>
- \* The Kosovo Constitution gives the authorities the role of “support[ing] the possibility” of all to participate in public life, including exerting democratic influence on the decisions of public bodies.<sup>7</sup> Where at least ten per cent of residents of a given municipality do not belong to the local majority, the Constitution calls for the appointment of a Vice President of the Municipal Assembly for Communities, vesting the Vice President with powers to submit cases to the Constitutional Court in the absence of a satisfactory reaction from the Municipal Assembly to claims by communities or their members that an Assembly decision violates their constitutional rights.<sup>8</sup> At the central level, the Kosovo Constitution reserves seats for communities in the Kosovo Assembly, including one seat each for representatives of Roma, Ashkali and Egyptian communities, plus an additional seat to the community with the highest number of votes.<sup>9</sup> Also, the Constitution establishes the Committee on Rights and Interests of Communities as an advisory body within the Kosovo Assembly, consisting

one third each of representatives from the Albanian, Serb and other communities.<sup>10</sup> Another minority-oriented advisory body created by the Kosovo Constitution is the Consultative Council for Communities, which reports to the President.<sup>11</sup>

- \* The Montenegrin Constitution guarantees members of “minority nations and other minority national communities” the rights to “authentic representation” in elected bodies at central and local levels and proportionate representation in public administration and local government, as well as the right to establish minority councils.<sup>12</sup>
- \* The Constitution of the Republic of Serbia guarantees all citizens the right to participate in the management of public affairs and provides for self-governance for persons belonging to national minorities through the election of national councils.<sup>13</sup> Serbia’s Constitution also explicitly guarantees to members of national minorities the right to participate in public administration under the same conditions as other citizens, at the same time noting the need to take ethnic composition into account in hiring at public institutions at the central, regional and local levels.<sup>14</sup>

### Electoral legislation

Legislative provisions to promote the representation of minorities in mainstream elected bodies are common but not universal in the Western Balkans. Whereas Albania, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia lack such provisions, electoral legislation in Montenegro and Serbia contains specific rules for the election of representatives of minority communities, while in Croatia the relevant provisions are found in legislation on minorities (discussed below). Kosovo’s Law on General Elections guarantees 20 of the Assembly’s 120 seats for the representation of minorities, including one seat each for representatives of Roma, Ashkali and Egyptian communities, as well as an additional seat to the community of the three with the greatest total number of votes.<sup>15</sup> Montenegro’s Law on the Election of Councillors and Deputies, on the other hand, lowers the threshold for the distribution of seats in parliament for minority electoral lists from the three per cent in effect for electoral lists of the general population to 0.7 per cent of valid votes.<sup>16</sup> Finally, Serbian electoral law exempts political parties of national minorities from the general five-per cent electoral threshold, in order to allow them to participate in the

process of distributing seats in parliament regardless of the total number of votes received.<sup>17</sup>

### Legislation on minorities

As mentioned in Section 2.1, where the regulation of the rights of ethnic or national minorities in the Western Balkans is concerned, Albania is exceptional for not having adopted specific legislation.

- \* The 2003 Law on Rights of National Minorities of Bosnia and Herzegovina entitles the members of recognized national minorities (including Roma) to participation in public services proportional to their share of the population according to the most recent census and calls for additional legislation and regulations at the central, entity, cantonal, city and municipal levels to regulate minority representation in public executive and judicial authorities, as well as in public services.<sup>18</sup>
- \* The 2002 Constitutional Act on the Rights of National Minorities in the Republic of Croatia guarantees minority representation at both central and local levels, as well as in the administration and the judiciary, and also creates the legislative framework for such representation. At the central level, national minorities comprising less than 1.5 per cent of the total population have the right to elect four representatives in parliament.<sup>19</sup> The law also provides for the appointment of a central Council for National Minorities (*Savjet za nacionalne manjine*) consisting of seven members of national minorities nominated by local and regional National Minority Councils (discussed below, in Section 3.2); five members of national minorities nominated by minority associations, religious communities and citizens; and the elected representatives of national minorities in parliament.<sup>20</sup>
- \* Chapter II of the former Yugoslav Republic of Macedonia’s 2008 Law on Advancement and Protection of the Rights of the Members of the Communities Which Are Less than 20% of the Population establishes an Agency for Realization of the Rights of the Communities, the main functions of which include ensuring that the minority-relevant provisions of the Ohrid Framework Agreement are taken into account in the work of the central administration and providing expertise on draft materials designed to advance the rights of the country’s smaller communities.<sup>21</sup>

- \* The Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo guarantees communities and their members “the right to effective participation in political decision-making at all levels of government.”<sup>22</sup> Additionally, the law provides for the establishment of umbrella organizations for the consolidated representation of a given community.<sup>23</sup> The main mechanism foreseen for this purpose is the Community Consultative Council, the mandate of which includes aggregating and articulating community views, co-ordination and consultation among communities, communication with state institutions and making recommendations on resource allocations for relevant initiatives.<sup>24</sup> Roma, Ashkali and Egyptian communities are each entitled to two representatives on the Council (one member of parliament from each community, plus one representative of each community drawn from the NGO sector), with nomination to be organized by the respective communities’ umbrella organizations where possible.<sup>25</sup>
- \* Montenegro’s Law on Minority Rights and Freedoms states that minority communities and their members have the right to participate in proposing and adopting decisions of central institutions of interest for the realization of minority rights, also tasking the units of local self-government in jurisdictions inhabited by minorities in sufficient numbers to create conditions for minority participation in decision-making through councils of the relevant minorities.<sup>26</sup> The same law provides for the formation of minority councils at the central level, with each minority community entitled to form a single council.<sup>27</sup>
- \* Serbia’s 2002 Law on the Protection of the Rights and Freedoms of National Minorities contains a framework for the establishment of National Councils of National Minorities, as well as a call for additional legislation to regulate the Councils’ electoral procedures.<sup>28</sup>

### Legislation and strategic documents on gender equality

The legislation on gender equality adopted in the Western Balkans covers participation in decision-making as well as discrimination. Provisions of this legislation for promoting equitable representation of men and women in public life range from general calls for

proportionality (Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia) to setting a minimum threshold for the representation of women (30 per cent in Albania; 40 per cent in Bosnia and Herzegovina. The figure for Kosovo is also 40 per cent).<sup>29</sup> To secure co-ordination and implementation in relation to gender equality, the laws also designate an institution responsible. Whereas Albania and Croatia have established extra-ministerial institutions for this purpose, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia vest existing ministries with this responsibility. The law in Kosovo designates a responsible institution for co-ordination and implementation. Additionally, the legislation adopted in Albania, the former Yugoslav Republic of Macedonia and Serbia specifies sanctions for non-compliance with gender-equality requirements.

The former Yugoslav Republic of Macedonia’s *National Action Plan for Gender Equality 2007-2012* calls for awareness-raising programmes designed to promote equal representation of men and women in decision-making processes, with one of the indicators for this activity being an increase in the number of women participating in policy- and decision-making at central and local levels.<sup>30</sup>

### Central-level strategies and action plans for Roma

- \* Neither the Albanian *National Strategy for Improving Roma Living Conditions* nor the *National Action Plan for the Decade of Roma Inclusion 2010-2015* attends to issues of Roma participation in decision-making.
- \* The *Strategy of Bosnia and Herzegovina for Solving the Problems of the Roma* mentions participation in executive institutions as one of the areas in which action is needed.<sup>31</sup> Bosnia and Herzegovina’s Decade National Action Plan in the priority area of employment calls for the involvement of and consultation with Roma NGOs in conducting analyses and drafting regulations, as well as for establishing partnerships between Roma NGOs and authorities with an eye to “improv[ing] and strengthen[ing] capacity to jointly solve problems.”<sup>32</sup>
- \* While Roma participation in decision-making does not receive mention in the Croatian *Action Plan of the Decade of Roma Inclusion for the Years 2011 and 2012*, Croatia’s *National Strategy for the Inclusion of Roma* links active participation in decision-making

together with the elimination of discrimination as key means to improving the societal position of Roma.<sup>33</sup> Issues of participation and representation of the Roma population in general and of Roma women in particular are treated in considerable detail in the section of the *Strategy* entitled “Inclusion in Social and Cultural Life.”<sup>34</sup>

- \* Political participation is one of the ten priority areas of the former Yugoslav Republic of Macedonia’s *Strategy for Roma*. While most of the recommendations in this section address issues related to elections, it also includes recommendations for political education and increased representation of Roma women, as well as for exploring possibilities to employ qualified Roma in municipal governments of localities with considerable Roma populations.<sup>35</sup> The *Strategy’s* recommendation for ensuring successful implementation by establishing a “Roma Secretariat” within the General Secretariat is also significant. A “National Roma Inclusion Council” led by a Roma person and bringing together representatives of government institutions with representatives of Roma NGOs (among others) would serve as the Secretariat’s management body.<sup>36</sup> The section of the *Strategy* consisting of recommendations for successful implementation also calls for employment of a Roma advisor in the Ministries of Education and Science; Health; Labour and Social Policy; and Transport and Communications. Issues of Roma participation in decision-making are not addressed in the National Action Plans adopted in the framework of the Decade of Roma Inclusion for the period 2009 to 2011 or in the *National Action Plan for Advancement of the Societal Position of Romani Women*.
- \* Kosovo’s *Strategy for the Integration of Roma, Ashkali and Egyptian Communities* promises to carry forward the participatory approach employed in developing the *Strategy* by including representatives of Roma, Ashkali and Egyptian civil society in implementation and monitoring.<sup>37</sup> With regard to the political participation of Roma, Ashkali and Egyptian women, the *Strategy* calls for training and mentorship programmes.<sup>38</sup> Noting insufficient political participation of Roma, Ashkali and Egyptians at all levels, the *Strategy* calls for empowerment and integration into decision-making processes in general, and reconsideration of the

existing system of political participation at the local level in particular.<sup>39</sup> The *Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015* calls for increased Roma, Ashkali and Egyptian participation in decision-making in the area of culture and media and foresees three activities to this end.<sup>40</sup>

Arguably more significant, however, is the inclusion in the *Action Plan* of an entire section devoted to participation and representation, with activities including implementing and monitoring legislation on local government, promoting employment in public administration among Roma, Ashkali and Egyptians and improving the three communities’ access to election infrastructure.

- \* The *Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016* presents the participation of Roma and Egyptian organizations as a basic principle of the Strategy’s development and implementation.<sup>41</sup> The participation of Roma in political and public life accordingly forms the theme of an entire section of the *Strategy*, with Roma political representation linked explicitly with anti-discrimination.<sup>42</sup> Among the activities foreseen under this heading are legislative amendments to promote political representation of Roma and Egyptians nationally and locally, provision for input by Roma NGOs on the work of local governments through the “empty chair system” (with the right to address the local assembly, but not the right to vote), drafting and implementation of local action plans for Roma and Egyptians and implementation of affirmative hiring measures, with an eye to increasing the numbers of Roma and Egyptians in administration and public services at central and local levels. Also included under this heading is political education for Roma and Egyptian women in order to move toward gender equality. The activities described above are also to be found in the *Action Plan for Implementation of the Strategy for 2012*.
- \* Among the recommendations within the section of the 2010 *Strategy for Improvement of the Status of Roma in the Republic of Serbia* entitled “Political participation and representation” are increased participation of Roma at the local level through elected positions and employment, as well as in planning and implementing local action plans, and the establishment of committees within

inter-ethnic councils to focus on the situation of the local Roma population.<sup>43</sup> In much the same way as the section of the *Strategy* devoted to the status of Roma women calls for increased participation of Roma women in public policy and politics and higher levels of engagement in electoral and administrative bodies, the section on political participation recommends measures to secure equal voting rights and promotes Roma women's broader participation in public and political life on equal footing with their male counterparts as a means of addressing the compound marginalization faced by Roma women.<sup>44</sup> These recommendations also appear as measures and activities in the Action Plan, which was published together with the *Strategy* in a single document.

#### Roma participation in advisory and management bodies at the central level

- \* In Albania, Roma participation in decision-making at the central level is limited to the appointment of a Roma person to the State Committee on Minorities, an advisory body to the Government.
- \* Bosnia and Herzegovina established a Committee on Roma as an advisory body of the Council of Ministers in 2002. Of the Committee's 18 members, nine are representatives of Roma NGOs while the other nine are drawn from government ministries. Additionally, a Co-ordination Committee for Monitoring of the Action Plan on Employment, Housing and Health was formed in 2008, with its 19 members drawn from Roma umbrella organizations. The institutional relationship between the two committees is not clear.<sup>45</sup>
- \* Consistent with the provisions of the Constitutional Act on the Rights of National Minorities in the Republic of Croatia, Roma participate in the Council for National Minorities. Additionally, Roma accounted for nine of the 23 members of the Commission for Monitoring Implementation of the National Programme for Roma until the mandate of the Commission expired with the *National Programme* at the end of 2012.<sup>46</sup>
- \* Beyond their inclusion in the constitutionally mandated Committee for Inter-Community Relations and (more recently) in the Agency for Realization of the Rights of the Communities created by the Law on Advancement and Protection of the Rights

of the Members of the Communities Which Are Less than 20% of the Population, Roma in the former Yugoslav Republic of Macedonia participate in three Roma-specific bodies:

1. the National Co-ordinating Body;
2. the Unit for Implementation of the Strategy and the Decade of Roma Inclusion and the National Strategy for Roma; and
3. the Cabinet of the Minister without Portfolio and National Co-ordinator for the Decade of Roma Inclusion and the Strategy for Roma.

The National Co-ordinating Body was formed in 2005 to bring representatives of relevant ministries and other state institutions together with representatives of NGOs to oversee implementation of the National Action Plans adopted in the framework of the Decade of Roma Inclusion and to provide advice to the Government on measures needed to secure implementation and ensure effective co-ordination between state institutions and civic associations.<sup>47</sup> In 2008, the Unit for Implementation of the Strategy and the Decade of Roma was formed within the Ministry of Labour and Social Policy with an all-Roma staff of four. At roughly the same time, a Roma person was appointed Minister without Portfolio and made the National Co-ordinator for the Decade, with a five-member Cabinet consisting of Roma.

- \* In Kosovo, Roma, Ashkali and Egyptians participate in the Community Consultative Council as stipulated in the Law on the Protection and Promotion of the Rights of Communities and Their Members.
- \* In Montenegro, where a common Roma and Egyptian Minority Council was established in 2009, two Roma participate – one representative each of the Roma and Egyptian Minority Council and the Roma NGO sector – in the 11-member Commission for Monitoring Implementation of the *Strategy for Improving the Position of Roma and Egyptians in Montenegro*. The responsibilities of the Commission include setting annual priorities, allocating funding, issuing calls for project applications and reporting on implementation of the *Strategy*. Additionally, a Department for Advancement and Protection of the Rights of the RAE Population with two employees from Roma, Ashkali and Egyptian communities was formed within the Ministry for Human and Minority Rights in 2011.

- \* Serbia's Law on National Councils of National Minorities provides for the election of national councils with authority to act at central, regional and local levels in initiating and monitoring the implementation of legislation related to minority rights, initiating proceedings before the Constitutional Court or appropriate ombudspersons (including but not limited to the Protector of Citizens) in cases in which it assesses that minority rights have been violated.<sup>48</sup> Through the NGO network League for the Decade, Roma have also participated actively in the inter-ministerial Council for Advancement of the Status of Roma and Implementation of the Decade of Roma Inclusion, as well as in ministerial working groups tasked with implementation of the strategy and action plans adopted centrally.

### 3.2 Participation in decision-making at regional and local levels

#### *Centrally mandated representation in elected bodies at the local level*

Provisions for minority participation in decision-making through representation in local-level elected bodies appear in documents adopted at the central level in Croatia, Montenegro and Serbia.<sup>49</sup> They also appear in documents adopted in Kosovo.

- \* The Constitutional Act on the Rights of National Minorities in the Republic of Croatia provides for election to the local council of at least one representative of each national minority that constitutes between five and 15 per cent of the local population and proportional representation of each minority that accounts for more than 15 per cent of the local population.<sup>50</sup> Additionally, the law provides for each national minority in a unit of self-government to elect a National Minorities Council (*Vijeće nacionalne manjine*) to the extent that national minorities constitute at least 15 per cent of the total population or that over 200 members of a given minority live in the unit of self-government. This provision also applies to units of regional self-government inhabited by over 500 members of a national minority. Where none of these conditions are met, but at least 100 members of a national minority live in the territory of a unit of self-government (whether local or regional), the law provides for the election of a (single) representative of the national minorities.<sup>51</sup> The operations of National

Minorities Councils are to be funded by the relevant units of self-government.<sup>52</sup> More information on regional and local National Minorities Councils as good practice can be found in Section 3.3.

- \* Kosovo's Law on Local Self-Government creates the posts of Deputy Chairperson for Communities and Deputy Mayor for Communities in municipalities inhabited by at least ten per cent members of local minorities.<sup>53</sup> Whereas the Deputy Chairperson for Communities is an elected position, the Deputy Mayor for Communities is appointed by the Mayor, subject to the approval of the municipal assembly. The roles of Deputy Chairperson for Communities and Deputy Mayor for Communities differ accordingly, with the former interacting primarily with the municipal assembly, while the latter is tasked with providing advice to the Mayor on issues related to minority communities.<sup>54</sup>
- \* The Montenegrin Constitution's reference to local participation of minorities in decision-making is unique within the Western Balkans.<sup>55</sup> Montenegro's Law on Minority Rights and Freedoms goes slightly further in obligating municipalities with significant minority populations to establish minority councils,<sup>56</sup> while the Law on Local Self-Government requires municipalities with significant minority populations to include in their development plans provisions to ensure minority participation.<sup>57</sup> Montenegro's gender equality action plan is also relevant for its call to develop a strategy to increase Roma women's participation in decision-making bodies.<sup>58</sup>
- \* Serbia's Law on Local Elections calls on ethnically mixed municipalities to make possible proportional representation in their assemblies and waives the requirement that a party or coalition must receive at least five per cent of all votes cast in order to participate in the distribution of mandates for political parties of national minorities and coalitions consisting of such parties.<sup>59</sup> Additionally, under the objective of bringing about realization of women's right to equal participation with men in decision-making, Serbia's 2008 *National Strategy for Improvement of Women's Status and Promotion of Gender Equality* calls for support to co-operation between Roma women's associations on the one hand and other organizations, central administration and units of local self-government on the

other, in common activities to promote exchange of experience and stimulation of Roma women's participation in addressing the problems of local communities.<sup>60</sup>

### *Local-level inter-ethnic bodies*

Legislation on local self-government in the former Yugoslav Republic of Macedonia and Serbia provides for the establishment of inter-ethnic consultative bodies at the local level. These are also provided for in the equivalent Kosovo legislation. Whereas Kosovo's legislation requires formation of a Communities Committee in all municipalities inhabited by members of more than one ethnic group<sup>61</sup>, Serbia's Law on Local Self-Government mandates formation of a Council for Inter-Ethnic Relations in those municipalities in which either a single national minority accounts for more than five per cent of the total number of inhabitants or all such minorities comprise more than ten per cent of the municipality's total population.<sup>62</sup> In the former Yugoslav Republic of Macedonia, on the other hand, a Committee for Inter-Community Relations must be formed in municipalities with a population of which more than 20 per cent belong to an ethnic community not in the local majority.<sup>63</sup> Provisions with regard to membership in these bodies are more similar: Communities Committees include, in addition to the members of the Municipal Assembly, at least one representative of each community living in the municipality in numbers sufficient to ensure that representatives of communities comprise the majority, Councils for Inter-Ethnic Relations consist of minorities that account for more than one per cent of the local population, as well as ethnic Serbs (regardless of their proportion of the local population), in such a way that neither Serbs nor representatives of a given minority constitute a majority of the Council's members,<sup>64</sup> and Committees for Inter-Community Relations bring together in equal numbers representatives of each community present in the municipality. In all three cases, the inter-ethnic bodies are tasked with reviewing issues related to inter-ethnic relations in the locality of their establishment.

### *Other central-level initiatives for participation in decision-making at the local level*

Additional policies related to local-level participation in decision-making are municipal Offices for Communities and Return in Kosovo. There are also Roma Information Centres in the former Yugoslav Republic of Macedonia. As the names suggest, whereas Offices for Communities and Return target all minorities,<sup>65</sup> Roma Information

Centres (RICs) are aimed more narrowly at local Roma populations. RICs opened in eight municipalities located throughout the former Yugoslav Republic of Macedonia in early 2007 through an initiative of the Ministry of Labour and Social Policy, with a ninth such Centre opening in 2011. Established in co-operation with local Roma NGOs and local authorities to serve as a liaison between local Roma communities and municipal government, RICs have a mission of contributing to implementation of the *Strategy for Roma* and of the National Action Plans adopted in the framework of the Decade of Roma Inclusion by linking local and state policies and services.<sup>66</sup>

### *Local-level policies and initiatives*

#### *Focal points for Roma*

Municipal-level focal points for Roma have been established in much of the Western Balkans. While the extent to which central authorities are engaged in the establishment and maintenance of these focal points varies, more relevant than these variations is the institutional relationship between the focal points and local authorities.

- \* In Bosnia and Herzegovina, Roma "Referents", or locally employed Roma focal points, have been established in three localities (Bijeljina, Brčko and Kalesija), with creation of a permanent position planned in one (Kalesija). Additionally, an initiative of CARE led to the establishment of five Roma co-ordinators in 2011: one in the State Ministry of Human Rights and Refugees and four based in the Ministry's regional offices, with the general task of linking government institutions at all levels with the NGO sector and local Roma communities.
- \* In the former Yugoslav Republic of Macedonia, six municipalities employ Roma in local administration. Three municipalities in Kosovo employ Roma, Ashkali and/or Egyptians as focal points for issues affecting local Roma, Ashkali and Egyptian communities. In Serbia, of the 42 local self-government units that have appointed co-ordinators for Roma affairs,<sup>67</sup> 17 have engaged the co-ordinators on an indefinite basis as an integral part of local administration. These good practices receive further attention in Section 3.3.

### *Local and regional action plans for Roma*

Whereas in Albania regional authorities in Elbasan adopted an action plan for Roma in 2012, local action plans for Roma have existed in some municipalities of the former Yugoslav Republic of Macedonia since 2005, with the development of local action plans for Roma in Montenegro and Serbia commencing in the interim. Development of a local action plan was also commenced in Kosovo. As is the case with the establishment and maintenance of municipal-level focal points for Roma, the degree of government engagement in developing and supporting action plans at the regional and local levels in the Western Balkans varies. Initiatives related to the development, adoption and funding of local and regional action plans for Roma receive more detailed treatment as good practices in Section 3.3.<sup>68</sup>

### *Other relevant initiatives*

Two additional initiatives related to Roma and Egyptian participation in decision-making in Albania are the campaign “Thank you, Mr Mayor!” within the framework of an international campaign of the European Roma Grassroots Organisations and the model of participatory planning introduced through the Joint UN Programme “Empowering Vulnerable Local Communities of Albania.” Both initiatives are presented in Section 3.3 as good practices.

In Bosnia and Herzegovina, CARE International North-West Balkans provided small grants within the framework of the EU-funded project “Support to Implementation of the National Action Plans for Roma Inclusion” to four municipalities to address concrete problems of local Roma communities in co-operation with the Roma NGOs that developed the initiatives. More information on this good practice is given in Section 3.3.

In Kosovo, the Mercy Corps-led “European Union-Mitrovicë/a Roma, Ashkali and Egyptian Support Initiative” has actively involved Roma, Ashkali and Egyptian community leaders in consultation throughout implementation of the project, which takes a holistic approach to the resettlement of approximately 90 Roma, Ashkali and Egyptian families from two lead-contaminated camps in Mitrovicë/a. Good practices from this project in relation to Roma, Ashkali and Egyptian’s participation in decision-making are presented in Section 3.3.

In Serbia, Roma NGO activists in Niš and in the Peščara quarter (*mesna zajednica*) of Subotica initiated the formation of inter-ethnic bodies for the purpose of improving the quality of local-level, inter-ethnic relations by increasing Roma participation in decision-making. These initiatives, which differ from the legally mandated Councils for Inter-Ethnic Relations, are discussed as a good practice in Section 3.3.

Also in Serbia, separate initiatives led by the Dutch organization Spolu on the one hand, and by the OSCE Mission to Serbia and the Agency for Human and Minority Rights on the other, provided small grants for co-operation between local authorities and Roma communities in assessing and taking steps to meet priority community needs. Additional information on both initiatives as examples of good practice is presented in Section 3.3.

Two additional relevant practices developed and implemented locally in Serbia originate in municipalities in Belgrade. In Novi Beograd, in preparation for the resettlement of residents of the informal Roma settlement near the Belvil housing estate, a series of consultative meetings was held bringing together city authorities, the central-level Office for Human and Minority Rights and settlement residents. Additional consultation with the inhabitants was undertaken in the form of focus groups and a household survey. In the assessment of the Protector of Citizens, however, these efforts were ultimately insufficient: “[T]he consultation process, having in mind the hard socio-economic living conditions of the relocated population, should have been more intensive, longer and more detailed, and in full compliance with Basic Principles and Guidelines on Development-based Evictions and Displacements of the United Nations High Commissioner for Human Rights.”<sup>69</sup>

In the municipality of Surčin, on the other hand, co-operation between local authorities and the two Roma non-governmental organizations registered in that municipality has proceeded more smoothly and resulted in a sustainable partnership to be addressed in more detail in Section 3.3.

### 3.3 Good practice in participation in decision-making at regional and local levels

In much the same way as Section 2.3 presented good practices in the area of anti-discrimination based on the exposition of Sections 2.1 and 2.2, this section draws on the overview in Sections 3.1 and 3.2 to single out for more detailed presentation good practices in the area of participation in decision-making. As will become evident from the overview below, the range of variation among good practices in this area is broader than in the case of anti-discrimination.

Five of the 17 examples of good practice presented below relate to the development, adoption and funding of local and regional plans for Roma. In addition to providing an indication of the priority placed by local and regional authorities on the integration of their Roma constituents, such plans can be used to operationalize national action plans while adjusting them to local circumstances. Crucial for the success of this endeavour is not only political will – manifested to some degree in the initiative to develop and adopt a local or regional action plan (as in Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia) and made concrete with funding commitments for the measures contained in the plan (as in Serbia, in particular) – but also the involvement of local Roma communities in the development process. Recognizing the potential of local action plans to bring tangible benefits to Roma, BPRI has supported the development of local action plans in Montenegro and will draw on the project's experiences there when undertaking similar activities in Albania. Similar activities are also planned for Kosovo.

Sometimes the employment of Roma in local administration as focal points for issues affecting local Roma populations is combined with the development and adoption of local action plans. Here, it is important to note that the employment of Roma focal points should facilitate access to mainstream services rather than replace such access. Roma focal points should be employed only as long as there is a need for facilitated access to services but, in the meantime, the creation of permanent positions constitutes an important feature of good practice. Unless funded on a long-term basis from the same budgets as other local employees, the instability of focal points' positions can be expected to negatively influence their ability to perform. Selected municipalities in the former Yugoslav Republic of Macedonia and Serbia offer positive examples in this regard.

Five of the other identified examples of good practice link Roma participation in decision-making with support for improving various aspects of the situation of Roma communities in co-operation with local authorities. Perhaps not surprisingly, all of these examples have been financed by international organizations. Here, it is important to note that the multi-faceted nature of Roma's marginalization means that consultative processes cannot provide a guarantee that such projects will ultimately contribute to Roma integration. They are, nonetheless, indispensable for providing an overview of some of the most important barriers to project success, as well as for securing the goodwill and understanding of those intended to benefit from the project activities.

Another two examples of good practice focus on the representation of Roma in official institutions. Whereas in the example from Croatia the representatives are elected, in the example from Serbia the representatives are appointed. Notwithstanding their differences, these two good practices have in common their provisions for Roma participation in representative bodies, together with their non-Roma counterparts.

The two remaining examples of good practice in the area of Roma participation in decision-making fall outside the categories above. The practice from Albania brings together two cities with an eye to encouraging local authorities to learn from one another and build working relations with local Roma communities. The Serbian example, on the other hand, demonstrates the potential for informal co-operation between local officials and Roma NGOs to evolve into a sustainable partnership.



# GOOD PRACTICE IN ROMA PARTICIPATION 1: ALBANIA

**Name of practice:** Development of an action plan for Roma in Elbasan District

**Initiated by:** Association “In the Family, for the Family”

**Implemented by:**

- \* Association “In the Family, for the Family”
- \* Regional authorities in Elbasan
- \* Local authorities in Elbasan and Peqin
- \* Roma NGOs: Romani Community Centre, Romano Sezi and others
- \* Representatives of local Roma and Egyptian communities in the Elbasan District

**Description**

Besides the National Action Plan adopted by the Albanian government in connection with its participation in the Decade of Roma Inclusion, the only action plan for Roma developed in Albania to date focuses on the District of Elbasan.

Undertaken within the framework of a project led by the Association “In the Family, for the Family” with financial support from the Open Society Foundation for Albania, the process began by introducing regional and local authorities, Roma NGOs and local Roma and Egyptian communities to Albania’s National Action Plan. The drafting of the regional action plan proceeded in five working groups, with each group compiling a short- and medium-term programme for realizing the central objectives at the district level. Several consultative meetings were held to discuss a draft version of the plan before it was approved.

Since development of the action plan in the Elbasan District, regional authorities in Korça have expressed interest in introducing a similar initiative.

**Location:** The Elbasan District

**Key best-practice elements**

- \* Explicit targeting of Roma and Egyptians
- \* Co-ordination with other policies
- \* Participation of Roma and Egyptians in designing policy
- \* Producing multiplier effects



# GOOD PRACTICE IN ROMA PARTICIPATION 2: ALBANIA

**Name of practice:** Local partnership for Roma inclusion

**Initiated by:** Roma Active Albania

**Implemented by:**

- \* Roma Active Albania
- \* Local authorities in Fier and Korça

**Description**

The Tirana-based NGO Roma Active Albania launched the initiative “Thank you, Mr Mayor!” as part of the international campaign of the European Roma Grassroots Organisations Network, “Thank you...?! Partnering for Roma Inclusion.” The purpose of the initiative in Albania was to promote commitment by local Roma and Egyptian communities and local authorities to address problems faced by the former. To this end, the campaign provided support for local advocacy to make mainstream institutions more accessible to members of local Roma and Egyptian communities.

The campaign helped generate public support for positive local action by raising awareness and building relationships with experts in the local administrations, with an emphasis on the administrative level rather than more politically volatile positions. At the same time, the campaign encouraged local authorities to learn from one another.

Among the results of the campaign was the provision by the Commune (rural locality) of Pojan (Korça) of funds from its budget to address issues faced by local Roma and Egyptian communities.

**Localities:** Fier and Korça

**Key best-practice elements**

- \* Explicit targeting of Roma and Egyptians
- \* Participation of Roma and Egyptians in designing policy
- \* Producing multiplier effects

**Website:** <<http://www.ergonetwork.org/ergo-network/campaigns/thankyou/>>



# GOOD PRACTICE IN ROMA PARTICIPATION 3: ALBANIA

**Name of practice:** Participatory local planning

**Initiated by:** UNDP

**Implemented by:**

- \* Ministry of Labour, Social Affairs and Equal Opportunities
- \* Authorities in local self-government units inhabited by vulnerable Roma and Egyptian communities in the regions of Durrës, Elbasan, Fier and Tirana, with support from the Joint UN Programme “Empowering Vulnerable Local Communities of Albania.”

**Description**

The model of participatory local planning was introduced within the framework of the Joint UN programme “Empowering Vulnerable Local Communities of Albania”, which aims broadly at promoting human security among socially excluded Roma and Egyptian communities. Participatory planning constitutes one of three components of the programme, the other two being facilitating access to rights and strengthening institutions for social inclusion.

As a basis for the process of participatory local planning, gender-balanced Roma and Egyptian “community counselling fora” were assembled for the purpose of identifying and prioritizing local needs together with a local elder hired by the local self-government unit to serve as a community liaison. The prioritized needs were compiled in community development plans for discussion on funding with local authorities, with memoranda of understanding signed between local authorities and the UNDP establishing a co-funding arrangement (80 per cent provided by the UNDP, 20 per cent by local authorities) for one to two of the prioritized needs in each participating locality. Projects supported on the basis of such a co-funding arrangement range from roads (as in Fushë-Krujë municipality) and sewage (Qendër commune) to social infrastructure (e.g., centres serving local communities in Cerrik municipality, Levan commune and Nenstacioni and Nishtulla quarters),

This approach is currently being extended to the regions of Berat, Korça and Vlora within the framework of the EU-funded project “Social Inclusion of Roma and Egyptian Communities of Albania.”

**Localities**

- \* Durrës region: Fushë-Krujë municipality, Nishtulla quarter and Shkoza quarter
- \* Elbasan region: B-Dardha quarter, Cerrik municipality, Peqin municipality, Rrapishta quarter
- \* Fier region: Levan commune, Mbrostar commune and Qendër commune
- \* Tirana region: Kamza municipality and Nenstacioni quarter

**Key best-practice elements**

- \* Explicit targeting of Roma and Egyptians
- \* Direct focus on participation of Roma and Egyptians in decision-making
- \* Promotion of women’s participation on an equal basis with their male counterparts
- \* Holistic approach
- \* Participation of Roma and Egyptians in designing policy

**Website:** <<http://www.undp.org.al/index.php?page=projects/project&id=201>>



# GOOD PRACTICE

## IN ROMA PARTICIPATION 4:

### BOSNIA AND HERZEGOVINA

**Name of practice:** Co-funding for co-operation between Roma NGOs and local authorities

**Initiated by:** CARE International North-West Balkans

**Implemented by:**

- \* Roma NGOs: Association of Roma Amaro Kham-Naše sunce (Visoko); Association of Roma Povratnici (Tuzla); Association Otaharin (Bijeljina); Association Romska djevojka-Romani ćej; Citizens' Association Sretni Romi (Tuzla)
- \* Municipal authorities in Bijeljina, Prnjavor, Tuzla and Visoko
- \* Regional authorities: Canton of Tuzla
- \* Volunteers from local Roma communities: Prnjavor and Tuzla

**Description**

As part of the EU-funded project "Support to Implementation of the National Action Plans for Roma Inclusion", CARE International North-West Balkans provided small grants to local Roma NGOs for addressing concrete problems faced by local Roma communities. Six of the eight grants involved co-funding from municipal authorities.

The six projects co-funded with municipal authorities addressed infrastructural improvements in Roma settlements identified by Roma NGOs active in the respective localities as needed, as shown below.

- \* Bijeljina: Four families connected to the public water supply
- \* Prnjavor: Roads repaired in three locations
- \* Tuzla:
  - Communal infrastructure installed in the Roma settlement Crvene njive,
  - Streetlights repaired and installed in the Roma settlement Mušinac
- \* Visoko: Streetlights installed in the Roma settlement Ljetovik

**Localities:** Bijeljina, Prnjavor, Tuzla and Visoko

**Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on participation of Roma in decision-making
- \* Participation of Roma in designing policy

**Website:** <<http://www.carenwb.org/index.php/projects/45-project-support-to-implementation-national-action-plans-for-roma-inclusion>>



# GOOD PRACTICE IN ROMA PARTICIPATION 5: CROATIA

**Name of practice:** Local and regional Roma Minority Councils

**Initiated by:** Government of the Republic of Croatia

**Implemented by:** Counties, cities and municipalities

## Description

The Constitutional Act on the Rights of National Minorities contains provisions for each national minority meeting conditions on size to form its own National Minority Council to facilitate the minority's participation in decision-making processes at local and regional levels. Roles of National Minority Councils include proposing measures for the improvement of the situation of a given minority as well as general measures to address issues of importance for the national minority; nominating candidates for office; and receiving information on all issues discussed by committees of the relevant unit of self-government's representative body.<sup>70</sup> The operations of National Minority Councils are to be funded by the relevant units of self-government.<sup>71</sup>

For its part, the government of the relevant unit of self-government is obligated to ask for the opinion of the National Minority Council on proposed general measures and specific provisions aimed at regulating the rights and freedoms of national minorities.<sup>72</sup>

To the extent that a National Minority Council finds anything unconstitutional in an act adopted in the corresponding unit of self-government, the Council must inform the Ministry of Administration. National Minority Councils and representatives of national minorities in local and regional self-government units may also request that the central-level administration oversee and secure implementation of special acts regulating minority rights at the regional or local levels, as well as of the Constitutional Act on the Rights of National Minorities itself, with the administration accordingly required to inform the Council or representative of its involvement.<sup>73</sup>

Elections held in July 2011 resulted in the election of seven Roma Minority Councils at the county level, five at the city level and five at the municipal level.

## Locations

- \* Counties: Brodsko-posavska, Istarska, Međimurska, Osječko-baranjska, Primorsko-goranska, Sisačko-moslavačka and Zagreb City
- \* Cities: Čakovec, Pula/Polj, Rijeka, Sisak and Slavonski Brod
- \* Municipalities: Darda, Mala Subotica, Nedelišće, Orehovica and Pribislavec

## Key best-practice elements

- \* Explicit targeting of Roma
- \* Direct focus on participation of Roma in decision-making
- \* Participation of Roma in designing policy



# GOOD PRACTICE IN ROMA PARTICIPATION 6: THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

**Name of practice:** Development of local action plans for Roma

**Initiated by:** Roma NGOs, Ministry of Labour and Social Policy, or municipal authorities (through separate initiatives)

**Implemented by:**

- \* Roma NGOs
- \* The Ministry of Labour and Social Policy
- \* Municipal authorities in Berovo, Bitola, Delčevo, Gostivar, Kočani, Kriva Palanka, Kumanovo, Pehčevo, Prilep, Probištip, Rankovce, Štip, Šuto Orizari, Sveti Nikole, Tetovo, Veles and Vinica

**Description**

Beginning in 2005 as an initiative of Roma non-governmental organizations in a small number of municipalities, the process of drafting (and adopting) local action plans (LAPs) in the areas of education, employment, health and housing has spread to a considerably larger number of municipalities since 2009 through separate initiatives involving the Ministry of Labour and Social Policy and Roma civil society.

Although the Ministry of Labour and Social Policy has been more frequently involved in the development of LAPs since 2009, in 2010 the municipality of Kočani adopted LAPs in the areas of education, employment and housing on its own initiative. In late 2010 and early 2011, an internationally funded project implemented by the regional Roma network Intelpekt led to the adoption of LAPs in the same areas in four municipalities in the eastern part of the country. Most recently, the EU-funded project "Support to the Implementation of the Roma Strategy" saw the involvement of the Ministry of Labour and Social Policy again from late 2011 through the first half of 2012.

In all cases, the process has brought together representatives of Roma civil society with relevant institutions at the local level.

**Localities:** Berovo, Bitola, Delčevo, Gostivar, Kočani, Kriva Palanka, Kumanovo, Pehčevo, Prilep, Probištip, Rankovce, Štip, Šuto Orizari, Sveti Nikole, Tetovo, Veles and Vinica

**Key best-practice elements**

- \* Explicit targeting of Roma
- \* Co-ordination with other policies
- \* Participation of Roma in designing policy



# GOOD PRACTICE IN ROMA PARTICIPATION 7: THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

**Name of practice:** Roma “referents”

**Initiated and implemented by:** Municipal authorities in Čair, Delčevo, Kočani, Prilep, Štip and Vinica

## **Description**

Six municipalities employ Roma in their local administration as focal points or “referents” for issues affecting local Roma populations.

Whereas the municipalities of Čair, Delčevo, Kočani, Prilep and Vinica employ one Roma each for this purpose, the municipality of Štip employs two Roma: one as Senior Referent for Relations with Communities, the other as Junior Referent for Relations with Citizens from Marginized Groups and Persons with Special Needs.

While referents’ specific duties vary across municipalities, they have in common an emphasis on facilitating access to services for local Roma communities and taking part in local policy processes; in five of the six municipalities that employ Roma referents (Čair being the sole exception), the referents have participated in the development of local action plans for Roma.

**Localities:** Čair, Delčevo, Kočani, Prilep, Štip and Vinica

## **Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on participation of Roma in decision-making
- \* Participation of Roma in designing policy



# GOOD PRACTICE IN ROMA PARTICIPATION 8: KOSOVO\*

**Name of practice:** Development of local action plans for the integration of Roma, Ashkali and Egyptian communities

## Initiated by

- \* Roma, Ashkali and Egyptian NGOs, Prizren
- \* Kosovo Foundation for Open Society in Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica and Mitrovicë/a

## Implemented by

- \* Initiative for Progress
- \* Roma, Ashkali and Egyptian NGOs
- \* Representatives of the local Roma, Ashkali and Egyptian communities
- \* Municipal authorities in Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica and Prizren
- \* The OSCE regional centres in Prishtinë/Priština (LAP Fushë Kosovë/Kosovo Polje) and Prizren (LAP Prizren)

## Description

The drafting of local action plans (LAPs) for the integration of Roma, Ashkali and Egyptian communities in Kosovo began in 2009 as an initiative of civil society in Prizren in co-operation with municipal authorities and with the support of the Kosovo Foundation for Open Society (KFOS) and the OSCE regional centre in Prizren. The *Action Plan for the Integration of the Roma, Ashkali and Egyptian Communities in Prizren Municipality* is based explicitly on the *Strategy for Integration of Roma, Ashkali and Egyptian Communities*.

Since the drafting of the LAP for Roma, Ashkali and Egyptians in Prizren, KFOS has supported similar processes in several other municipalities, including the most recently revised local action plan in Gjakovë/Đakovica. Like the LAP for Prizren, the LAPs developed in Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica and Mitrovicë/a were conceived as instruments for local-level implementation of the *Strategy* adopted at a higher level.

The OSCE also contributed to the development of the LAPs in Fushë Kosovë/Kosovo Polje, as well as in Prizren, with support planned for updating of the LAPs for Mitrovicë/a in 2013.

**Localities:** Ferizaj/Uroševac, Fushë Kosovë/Kosovo Polje, Gjakovë/Đakovica and Prizren

## Key best-practice elements

- \* Explicit targeting of Roma, Ashkali and Egyptians
- \* Co-ordination with other policies
- \* Participation of Roma, Ashkali and Egyptians in designing policy

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



# GOOD PRACTICE IN ROMA PARTICIPATION 9: KOSOVO\*

**Name of practice:** Roma, Ashkali and Egyptian co-ordinators

**Initiated and Implemented by:** Municipal authorities in Ferizaj/Uroševac, Peja/Peć and Prizren

## **Description**

The municipalities of Ferizaj/Uroševac, Peja/Peć and Prizren each employ at least one Roma, Ashkali, or Egyptian as a focal point for issues affecting the local Roma, Ashkali and Egyptian communities.

Whereas the focal point in Ferizaj/Uroševac is a member of the local Ashkali community, his counterpart in Prizren is a Roma. The municipality of Peja/Peć, on the other hand, employs two people: one Egyptian and one Roma.

A further indication of municipal authorities' commitment to the integration of Roma, Ashkali and Egyptians in Ferizaj/Uroševac and Peja/Peć comes in the relatively large number of members of these communities employed in other municipal services: 22 in Ferizaj/Uroševac and 11 in Peja/Peć.

**Localities:** Ferizaj/Uroševac, Peja/Peć and Prizren

## **Key best-practice elements**

- \* Explicit targeting of Roma, Ashkali and Egyptians
- \* Direct focus on participation of Roma, Ashkali and Egyptians in decision-making
- \* Participation of Roma, Ashkali and Egyptians in designing policy

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



# GOOD PRACTICE IN ROMA PARTICIPATION 10: KOSOVO\*

**Name of practice:** Camp Advisory Group

**Initiated by:** Mercy Corps

**Implemented by:**

- \* Mercy Corps
- \* Municipal authorities in Mitrovicë/a
- \* The OSCE Mission in Kosovo
- \* Roma and Ashkali Documentation Centre
- \* UNHCR

**Description**

Implemented by Mercy Corps, the “European Union- Mitrovicë/a Roma, Ashkali and Egyptian Support Initiative” (EU-MRSI), which concluded in December 2012, aimed at the sustainable resettlement of 90 Roma, Ashkali and Egyptian families from the contaminated camps, Česmin Lug and Osterode, into the former Roma Mahalla district of South Mitrovicë/a. To this end, a Camp Advisory Group was formed, bringing together representatives of the municipality of Mitrovicë/a with Mercy Corps, the OSCE Mission in Kosovo, the Roma and Ashkali Documentation Centre, UNHCR and leaders from the local Roma and Ashkali communities.

Among the immediate results of the consultative process were two decisions on the housing to be constructed within the framework of the project. First, row houses were selected over apartment blocks. Second, beyond the four dwelling sizes foreseen in the *Revised Manual for Sustainable Return*,<sup>74</sup> a fifth, larger size was added.

With an eye to promoting the continued participation of local Roma and Ashkali communities in decision-making in their new places of residence beyond the duration of the project, a local steering committee was formed. Consisting of leaders from the former camps and representatives of the municipality of Mitrovicë/a, this body serves as a forum for regular communication between Roma and Ashkali communities and local authorities.

**Locality:** Mitrovicë/a

**Key best-practice elements**

- \* Explicit targeting of Roma and Ashkali
- \* Direct focus on participation of Roma and Ashkali in decision-making
- \* Holistic approach

**Website:** <<http://www.mercycorps.org/countries/kosovo/24140>>

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



# GOOD PRACTICE IN ROMA PARTICIPATION 11: MONTENEGRO

**Name of practice:** Development of local action plans for integration of Roma, Ashkali and Egyptians

## **Initiated by**

- \* Roma NGOs: Mladi Romi (LAPs in Herceg Novi and Tivat); Početak (LAP in Nikšić)
- \* Municipalities of Berane, Bijelo Polje and Ulcinj with BPRI support

## **Implemented by**

- \* Roma and Egyptian NGOs: Mladi Romi (LAPs in Herceg Novi and Tivat); Početak (LAP in Nikšić); Association of Egyptians (LAP in Tivat)
- \* Municipal authorities in Berane, Bijelo Polje, Herceg Novi, Nikšić, Tivat and Ulcinj
- \* Representatives of local Roma, Ashkali and Egyptian communities in Berane, Bijelo Polje and Ulcinj

## **Description**

The development of local action plans (LAPs) for Roma, Ashkali and Egyptians in Montenegro began in Nikšić in 2007, when the NGO Početak began collecting data with expert support from the local Centre for Social Work and financial support from the United States Embassy in Podgorica. LAPs in Herceg Novi and Tivat followed in 2009 and 2011 (respectively) as a co-operative effort led by the NGO Mladi Romi with the participation of local authorities and financial support from the Foundation Open Society Institute – Representative Office Montenegro.

More recently, based on expressions of interest from municipalities in the course of a mapping process undertaken by BPRI in early 2012, working groups were established in the municipalities of Berane, Bijelo Polje and Ulcinj. The working groups bring together representatives of local Roma, Ashkali and Egyptian communities with employees of the local government in the areas of administration, education, health, social welfare and urban planning for the purpose of drafting local action plans in those municipalities. Facilitated by BPRI consultants, the drafting process drew on the experiences of Herceg Novi, Nikšić and Tivat.

**Localities:** Berane, Bijelo Polje, Herceg Novi, Nikšić, Tivat and Ulcinj

## **Key best-practice elements**

- \* Explicit targeting of Roma, Ashkali and Egyptians
- \* Co-ordination with other policies at local and central levels
- \* Participation of Roma, Ashkali and Egyptians in designing policy

**Website:** <<http://www.bpri-odih.org>>



# GOOD PRACTICE IN ROMA PARTICIPATION 12: SERBIA

**Name of practice:** Adopting and funding local action plans for Roma

**Initiated by:** Roma NGOs, the OSCE Mission to Serbia, or municipal authorities (through separate initiatives)

## Implemented by

- \* Roma NGOs
- \* Municipal authorities in Bačka Palanka, Barajevo, Bečej, Beočin, Bojnik, Bor, Bujanovac, Grocka, Kikinda, Kovin, Kragujevac, Kruševac, Lebane, Odžaci, Pančevo, Pirot, Smederevo, Sombor, Srpska Crnja, Stara Pazova, Trstenik, Valjevo and Žabalj
- \* Representatives of local Roma communities

## Description

Of the 28 municipalities in Serbia that have drafted local action plans (LAPs) for Roma in a consultative process that actively involved representatives of local Roma communities, 23 have also provided funding for implementation of these plans from the municipal budget.

Whereas most of the adopted LAPs focus on education, employment, health and/or housing, the Belgrade municipality of Barajevo in particular stands out for adopting and funding an LAP for Roma women in addition to those mentioned above. As an example of the potential for synergies among initiatives which effectively promote Roma participation in decision-making at the local level, the process of developing the LAP for Roma women in Barajevo was initiated by the municipality's Roma co-ordinator – herself a Roma – and supported by the Roma women's NGO Bibija.

**Localities:** Bačka Palanka, Barajevo, Bečej, Beočin, Bojnik, Bor, Bujanovac, Grocka, Kikinda, Kovin, Kragujevac, Kruševac, Lebane, Odžaci, Pančevo, Pirot, Smederevo, Sombor, Srpska Crnja, Stara Pazova, Trstenik, Valjevo and Žabalj

## Key best-practice elements

- \* Explicit targeting of Roma
- \* Attention to issues of gender
- \* Co-ordination with other policies
- \* Participation of Roma in designing policy



# GOOD PRACTICE IN ROMA PARTICIPATION 13: SERBIA

**Name of practice:** Community mobilization for infrastructure improvements

**Initiated by:** Spolu International Foundation

## **Implemented by**

- \* NGO Khetane-Amarilis, Novi Sad
- \* Local authorities in Beočin, the Horgoš quarter and Adorjan quarter of Kanjiža, Mali Idjoš, Nova Crnja, the Senta quarter of Apatin and the Sivic quarter of Sombor
- \* Representatives of local Roma communities

## **Description**

From 2004 to 2009, the Dutch organization Spolu (which merged in 2010 with the European Grassroots Organisations Network) provided support for addressing priority needs of local Roma communities in several localities in Vojvodina.

Spolu's approach emphasized the collaborative articulation of priority needs, with meetings organized in local Roma communities by the Novi Sad-based Roma women's NGO Khetane-Amarilis with Spolu support to identify joint interests and to form an "initial group" to represent those interests to local authorities. The next step in the process was negotiation between the initial group and local authorities with facilitation by Khetane-Amarilis. Once an agreement between the initial group and local authorities was reached on how the needs identified would be addressed, Spolu and/or Khetane-Amarilis would facilitate the elaboration of an action plan and/or project for putting the agreement into practice. Co-funding was integral to the process, usually one third from Spolu and two thirds from local authorities and the local Roma community (with the latter contribution generally in-kind).

The projects that have been supported include the installation of sidewalks in the Horgoš quarter of Kanjiža and the connection of households in a Roma settlement in the Senta quarter of Apatin to the public water supply.

**Localities:** Adorjan, Beočin, Horgoš, Mali Idjoš, Nova Crnja, Senta and Sivic

## **Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on participation of Roma in decision-making
- \* Participation of Roma in designing policy

**Website:** <<http://www.ergonetnetwork.org>>



# GOOD PRACTICE IN ROMA PARTICIPATION 14: SERBIA

**Name of practice:** Formation of inter-ethnic bodies around local needs

## Initiated by

- \* NGO YUROM Centar (Niš)
- \* NGO Roma Educational Centre (Subotica)

## Implemented by

- \* Roma NGOs: YUROM Centar in Niš), Roma Educational Centre in Subotica
- \* Local authorities: City of Niš, Horgoš quarter of Kanjiža, Čantavir and Peščara quarters of Subotica

## Description

In the city of Niš and the neighbourhoods in the Horgoš quarter of Kanjiža and the Čantavir and Peščara quarters of Subotica, Roma NGO activists led (through separate initiatives) the formation of inter-ethnic bodies with an eye to improving the quality of local-level inter-ethnic relations by increasing the participation of local Roma, among others, in decision-making. These bodies have proven useful for bringing the concerns of local Roma communities to the attention of local authorities and for preventing scapegoating of entire local Roma communities by the majority population for minor property crimes.

While Serbia's Law on Local Self-Government requires that a Council for Inter-Ethnic Relations be established in municipalities in which either a single national minority accounts for more than five per cent of the total number of inhabitants or all such minorities comprise more than ten per cent of the municipality's total population, the inter-ethnic bodies formed in Niš and Peščara differ slightly from the legally mandated Councils. In Niš, the difference is largely nominal, with the body formed called a "Council for Human and Minority Rights" and incorporated into the city's statute.<sup>75</sup> In Čantavir, Horgoš and Peščara, on the other hand, "Commissions for Inter-Ethnic Relations" were formed at the neighbourhood rather than municipal level. The activities leading to the formation of Commissions for Inter-Ethnic Relations in Čantavir and Horgoš were supported by the Fund for an Open Society in Serbia.

**Localities:** Čantavir, Horgoš, Niš and Peščara

## Key best-practice elements

- \* Explicit (but not exclusive) targeting of Roma
- \* Direct focus on participation of Roma in decision-making
- \* Contribution to mainstreaming
- \* Participation of Roma in designing policy

## Websites

Niš : <<http://www.ni.rs/kis.html>>

Peščara: <<http://www.diurnarius.info/index.php/sr/manjine/494-peara-primer-za-evropu>>



# GOOD PRACTICE IN ROMA PARTICIPATION 15: SERBIA

**Name of practice:** Local Roma Co-ordinators

**Initiated by:** The Serbian Agency for Human and Minority Rights with support from the OSCE Mission to Serbia, UNDP and municipal authorities (through separate initiatives)

**Implemented by:** Municipal authorities in Apatin, Barajevo, Beočin, Bojnik, Bor, Bujanovac, Čukarica, Kragujevac, Kruševac, Kula, Novi Kneževac, Novi Sad, Smederevo, Sombor, Vlasotince, Vranje and Žabalj

## **Description**

Since 2002, 52 municipalities in Serbia have engaged a Roma Co-ordinator. Of these, however, only 17 have employed the Co-ordinator on an indefinite basis as an integral part of local administration.

As is true of similar positions established elsewhere in the Western Balkans, in Serbia the Co-ordinators' role involves facilitating access to services for the local Roma community and playing an active role in the creation and adoption of measures to improve the situation of Roma living in each municipality. A difference relative to the rest of the region is that in a majority of Serbian municipalities that have engaged a Roma Co-ordinator, the position was established with an eye to the development of local action plans.

## **Localities:**

Apatin, Barajevo, Beočin, Bojnik, Bor, Bujanovac, Čukarica, Kragujevac, Kruševac, Kula, Novi Kneževac, Novi Sad, Smederevo, Sombor, Vlasotince, Vranje and Žabalj

## **Key best-practice elements**

- \* Explicit targeting of Roma
- \* Attention to issues of gender
- \* Co-ordination with other policies
- \* Participation of Roma in designing policy



# GOOD PRACTICE IN ROMA PARTICIPATION 16: SERBIA

**Name of practice:** Small grants for local-level co-operation

**Initiated by:** The OSCE Mission to Serbia, the Serbian Agency for Human and Minority Rights

**Implemented by:** Municipal authorities in Aleksinac, Bela Palanka, Bujanovac, Crveni Krst (Niš), Grocka, Kikinda, Koceljeva, Kragujevac, Kruševac, Negotin, Novi Beograd, Novi Sad, Pirot, Sombor, Šabac, Valjevo and Vranje

## **Description**

Within the EU-funded Roma Assistance Programme, in 2006 the OSCE Mission to Serbia held a competition for small grants to fund projects to improve the living conditions and promote the integration of Roma at the local level. In total, 33 projects were supported with a combined budget of 374,000 euros.

The projects were implemented by the local self-governments in co-operation with Roma NGOs. One Roma each from the Ministry of Education and the Agency for Human and Minority Rights participated in the selection of projects. Interventions varied from formal education and fire-safety training to the construction of walls preventing flooding of Roma settlements.

The small grants competition was accompanied by pilot Roma Co-ordinators programmes in the same municipalities. The Co-ordinators were involved in project development and later monitored project implementation, facilitating communication between local Roma communities and municipal authorities.

**Localities:** Aleksinac, Bela Palanka, Bujanovac, Crveni Krst (Niš), Grocka, Kikinda, Koceljeva, Kragujevac, Kruševac, Negotin, Novi Beograd, Novi Sad, Pirot, Sombor, Šabac, Valjevo and Vranje

## **Key best-practice elements**

- \* Explicit targeting of Roma
- \* Direct focus on participation of Roma in decision-making
- \* Participation of Roma in designing policy

**Website:** <<http://www.osce.org/serbia/57594>>



# GOOD PRACTICE IN ROMA PARTICIPATION 17: SERBIA

**Name of practice:** Sustainable partnership between municipalities and local Roma NGOs

**Initiated by:** Mayor of the Municipality of Surčin

## **Implemented by**

- \* Municipal authorities in Surčin
- \* Roma NGOs: Association of Roma of Surčin (URS), Roma Association BAH

## **Description**

In the Belgrade municipality of Surčin, municipal officials have co-operated on a regular basis with the two Roma NGOs registered in that municipality (Association of Roma of Surčin since 2006, Roma Association BAH since 2009). Continuous communication has been key to this co-operation and often involves the Mayor himself.

While co-operation between the municipality and the NGOs was first initiated in relation to infrastructure improvements, the scope of co-operation has expanded over time to cover issues related to education and employment, as well as basic material support.

Stable financing for the co-operation comes from a municipal budget allocation under the heading “Improving the Living Standard of the Roma Population.” Further, the Mayor organizes semi-annual events to solicit donations from local citizens, which are subsequently matched by the municipality, with additional funds raised through an annual lottery.

**Locality:** Surčin

## **Key best-practice elements**

- \* Explicit targeting of Roma
- \* Contribution to mainstreaming
- \* Co-ordination with other local policies
- \* Holistic approach
- \* Participation of Roma in designing policy

**Website:** <<http://goodpracticeroma.ppa.coe.int/en/pdf/85>>

## Endnotes

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- 3 Constitution of the Federation of Bosnia and Herzegovina, *Official Gazette of the Federation of Bosnia and Herzegovina* 63/2003, Article II.A.2.2.b, <<http://legislationline.org/download/action/download/id/1577/file/cf85ae3b01c1adcd1b6eed4a3b84.htm/preview>>; Constitution of Republika Srpska, *Official Gazette of Republika Srpska* 21/1996, Article 33, <<http://legislationline.org/download/action/download/id/1580/file/c8ea79bc0db11c11f49f19525f43.htm/preview>>.
- 4 Constitution of the Republic of Croatia (Consolidated Text), *Narodne novine* 76/2010, Articles 15, 44, 33, <<http://www.sabor.hr/Default.aspx?art=2405>>.
- 5 Amandmani IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII i XVIII na Ustav na Republika Makedonija [Amendments IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII and XVIII to the Constitution of the Republic of Macedonia], *Služben vesnik na Republika Makedonija* 91/2001, Amendments VI and X.2, <<http://eudo-citizenship.eu/NationalDB/docs/MAC%20Const%20Amendments%20IV-XVIII%20%28mkd%29.pdf>>.
- 6 *Ibid.*, Amendment XII.
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- 9 *Ibid.*, Article 64.
- 10 *Ibid.*, Article 78.
- 11 *Ibid.*, Article 45.
- 12 Constitutional Assembly of the Republic of Montenegro, *Constitution of the Republic of Montenegro* (Podgorica: Official Gazette of the Republic of Montenegro, 2007), Article 79, <<http://legislationline.org/download/action/download/id/929/file/b4b8702679c8b42794267c691488.htm/preview>>.
- 13 National Assembly of the Republic of Serbia, *Constitution of the Republic of Serbia* (Belgrade: Official Gazette of the Republic of Serbia, 2006), Articles 53 and 75, <[http://www.wipo.int/wipolex/en/text.jsp?file\\_id=191258](http://www.wipo.int/wipolex/en/text.jsp?file_id=191258)>.
- 14 *Ibid.*, Article 77.
- 15 Law on General Elections in the Republic of Kosovo, *Official Gazette of the Republic of Kosovo* 3/2008, Article 111, <[http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L073\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L073_en.pdf)>.
- 16 Zakon o izboru odbornika i poslanika [Law on the Election of Counselors and Members of Parliament], *Službeni list Crne Gore*, no. 46/2011, Article 94, <[http://www.skupstina.me/cms/site\\_data/ustav/Zakon%20o%20izboru%20odbornika%20i%20poslanika.pdf](http://www.skupstina.me/cms/site_data/ustav/Zakon%20o%20izboru%20odbornika%20i%20poslanika.pdf)>. While the threshold of 0.7% applies to most minorities in Montenegro, the same article of the electoral law includes a provision for a representative of the country's Croatian population to be elected with a minimum of 0.35 per cent of all valid votes.
- 17 Zakon o izboru narodnih poslanika [Law on the Election of Members of Parliament], *Službeni glasnik Republike Srbije* 36/2011, Articles 81-82, <[http://www.paragraf.rs/propisi/zakon\\_o\\_izboru\\_narodnih\\_poslanika.html](http://www.paragraf.rs/propisi/zakon_o_izboru_narodnih_poslanika.html)>. Here, it is important to note that this provision does not guarantee representation, as the number of seats secured by a political party depends on whether the quotient resulting from division of the party's total number of votes by the numbers from 1 to 250 is among the 250 highest overall. See also <<http://www.parlament.gov.rs/national-assembly/role-and-mode-of-operation/elections-and-electoral-system.502.html>>.
- 18 Law on Protection of the Rights of National Minorities, *Official Gazette of Bosnia and Herzegovina* 24/2003, Articles 19-20, <[http://www.advokat-prnjavorac.com/legislation/LAW\\_ON%20RIGHTS\\_OF%20NATIONAL\\_%20MINORITIES\\_BOSNIA.pdf](http://www.advokat-prnjavorac.com/legislation/LAW_ON%20RIGHTS_OF%20NATIONAL_%20MINORITIES_BOSNIA.pdf)>.
- 19 Constitutional Act on the Rights of National Minorities in the Republic of Croatia, *Narodne novine* 80/2010, Articles 7 and 19, <<http://unpan1.un.org/intradoc/groups/public/documents/un/pan017847.pdf>>.
- 20 *Ibid.*, Article 36. Additionally, some units of regional self-government in Croatia have formed their own advisory bodies on national minorities.
- 21 Zakon za unapređivanje i zaštita na pravata na pripadnicite na zaednicite koi se pomalku od 20% od naselenieto vo Republika Makedonija [Law on Advancement and Protection of the Rights of the Members of the Communities Which Are Less than 20% of the Population in the Republic of Macedonia], *Služben vesnik na Republika Makedonija* 92/2008, Article 13, <[http://www.zhrm.org.mk/images/download/zakoni/zastita\\_na\\_pravata\\_na\\_zaednicite\\_pomalkuod20\\_vorm.pdf](http://www.zhrm.org.mk/images/download/zakoni/zastita_na_pravata_na_zaednicite_pomalkuod20_vorm.pdf)>.
- 22 Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo, *Official Gazette of the Republic of Kosovo* 3/2010, Article 11, <<http://www.assembly-kosova.org/?cid=2,191,254>>.
- 23 *Ibid.*, Articles 5, 11.
- 24 *Ibid.*, Article 12.
- 25 In cases where there is no umbrella organization or where multiple organizations claim to represent a given community, the Office of the President intervenes as mediator and/or makes individual appointments directly.
- 26 Zakon o manjinskim pravima i slobodama, *Službeni list Crne Gore* 2/2011, Articles 26, 28, <<http://www.minmanj.gov.me/biblioteka/zakoni>>.
- 27 *Ibid.*, Articles 33-35.
- 28 Zakon o zaštiti prava i sloboda nacionalnih manjina [Law on the Protection of the Rights and Freedoms of National Minorities], *Službeni list Savezne Republike Jugoslavije* 11 and 57/2002, Article 19, <[http://www.tvojpglas.rs/upload/files/Zakon\\_o\\_zastiti\\_prava\\_i\\_sloboda\\_nacionalnih\\_manjina.pdf](http://www.tvojpglas.rs/upload/files/Zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.pdf)>.
- 29 See Law no. 9 970 of 24.7.2008 on Gender Equality in Society, *Official Gazette of the Republic of Albania* 117/2008, Article 15, <<http://www.osce.org/albania/36682>>; Law on Gender Equality in Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina* 102/2009, Article 20, <<http://www.arsbih.gov.ba/en/legal-framework/law-on-gender-equality-in-bih>>; Law on Gender Equality in Kosovo, *Official*

- Gazette of the Republic of Kosovo* 2/2004, Article 3, <[http://www.assembly-kosova.org/common/docs/ligjet/2004\\_2\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2004_2_en.pdf)>; Law on Gender Equality in Montenegro, *Official Gazette of Montenegro* 46/2007, Articles 10-12, <<http://www.legislationline.org/documents/id/3922>>; Zakon o ravnopravnosti polova [Law on Gender Equality], *Službeni glasnik Republike Srbije* 104/2009, Article 35, <[http://www.gendernet.rs/files/dokumenta/Domaci/Zakon\\_o\\_ravnopravnosti\\_polova\\_2009.pdf](http://www.gendernet.rs/files/dokumenta/Domaci/Zakon_o_ravnopravnosti_polova_2009.pdf)>; Zakon o ravnopravnosti spolova [Law on Gender Equality], *Narodne novine* 82/2008, Article 12, <<http://www.zakon.hr/z/388/Zakon-o-ravnopravnosti-spolova>>; Zakon za ednakvi možnosti na ženite i mažite [Law on Equal Opportunities of Women and Men], *Služben vesnik na Republika Makedonija* 6/2012, Articles 6, 11, <<http://www.pravo.org.mk/documentDetail.php?id=6240>>. In the former Yugoslav Republic of Macedonia and in Serbia, as well as in Albania and Bosnia and Herzegovina electoral legislation contains minimum thresholds for representation of the under-represented sex on candidate lists. This is also the case in Kosovo. See Electoral Code of the Republic of Albania, *Official Gazette of the Republic of Albania* 103/2012, Article 67.6, <<http://www.osce.org/albania/14464>>; Election Law of Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina* 20/2002, Article 4.19, <<http://www.legislationline.org/documents/action/popup/id/6274>>; Law on General Elections in the Republic of Kosovo, *Official Gazette of the Republic of Kosovo* 3/2008, Article 27.1, <[http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L073\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L073_en.pdf)>; Electoral Code, *Official Gazette of the Republic of Macedonia* 51/2011, Article 64.5, <<http://www.legislationline.org/topics/country/31/topic/6>>; Zakon o izboru narodnih poslanika [Law on the Election of Members of Parliament], *Službeni glasnik Republike Srbije* 36/2011, Article 40a, <[http://www.paragraf.rs/propisi/zakon\\_o\\_izboru\\_narodnih\\_poslanika.html](http://www.paragraf.rs/propisi/zakon_o_izboru_narodnih_poslanika.html)>.
- 30 Ministry of Labour and Social Policy, *National Action Plan for Gender Equality 2007-2012* (Skopje: Ministry of Labour and Social Policy, 2007), Strategic Objective III, <[www.legislationline.org](http://www.legislationline.org)>.
- 31 Vijeće Ministara Bosne i Hercegovine. 2005. *Strategija Bosne i Hercegovine za rješavanje problema Roma [Strategy of Bosnia and Herzegovina for Solving the Problems of the Roma]* (Sarajevo: Vijeće Ministara Bosne i Hercegovine 2005), p. 2, <<http://www.ombudsmen.gov.ba/odjeli/Strategija%20BiH%20za%20rjesavanje%20problema%20Roma%20Sl%20glasnik%20BiH%2067-05.pdf>>.
- 32 Council of Ministers of Bosnia and Herzegovina, *Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Health Care* (Sarajevo: Council of Ministers of Bosnia and Herzegovina, 2007), Objective 3, Measure 5 and Objective 5, Measure 3, <[www.romadecade.org](http://www.romadecade.org)>.
- 33 Ured za ljudska prava i prava nacionalnih manjina, *Nacionalna strategija za uključivanje Roma, za razdoblje od 2013. do 2020. godine [National Strategy for Inclusion of Roma, for the Period from 2013 to 2020]* (Zagreb: Ured za ljudska prava i prava nacionalnih manjina, 2012), Section IV.2, <[http://www.vlada.hr/hr/naslovnica/sjednice\\_i\\_odluke\\_vlade\\_rh/2012/64\\_sjednica\\_vlade\\_republike\\_hrvatske](http://www.vlada.hr/hr/naslovnica/sjednice_i_odluke_vlade_rh/2012/64_sjednica_vlade_republike_hrvatske)>.
- 34 *Ibid.*, Section IV.4.6.
- 35 Ministry of Labour and Social Policy, *Strategy for Roma in the Republic of Macedonia* (Skopje: Ministry of Labour and Social Policy, 2004), Section II.10, <[http://www.mtsp.gov.mk/WBStorage/Files/roma\\_strategy.pdf](http://www.mtsp.gov.mk/WBStorage/Files/roma_strategy.pdf)>.
- 36 *Ibid.*, Section III.
- 37 Government of the Republic of Kosovo, *Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo, 2009-2015* (Prishtinë/Priština: Government of the Republic of Kosovo, 2008), p. 6, <[http://www.kryeministri-ks.net/zck/repository/docs/Strategy\\_for\\_the\\_Integration\\_of\\_Roma,\\_Ashkali\\_and\\_Egyptian\\_communities\\_2009-2015.pdf](http://www.kryeministri-ks.net/zck/repository/docs/Strategy_for_the_Integration_of_Roma,_Ashkali_and_Egyptian_communities_2009-2015.pdf)>.
- 38 *Ibid.*, p. 66.
- 39 *Ibid.*, pp. 75-76.
- 40 Government of the Republic of Kosovo, *The Republic of Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015* (Prishtinë/Priština: Government of the Republic of Kosovo, 2009), Culture, Media and Information, Objective 1, Activities 1.1-1.3, <[http://www.kryeministri-ks.net/zck/repository/docs/Action\\_Plan\\_on\\_the\\_Implementation\\_of\\_the\\_Strategy\\_for\\_the\\_Integration\\_of\\_Roma,\\_Ashkali\\_and\\_Egyptian\\_Communities\\_2009-2015.pdf](http://www.kryeministri-ks.net/zck/repository/docs/Action_Plan_on_the_Implementation_of_the_Strategy_for_the_Integration_of_Roma,_Ashkali_and_Egyptian_Communities_2009-2015.pdf)>.
- 41 Ministry for Human and Minority Rights, *Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016* (Podgorica: Ministry for Human and Minority Rights, 2012), p. 7, <[www.mmp.gov.me](http://www.mmp.gov.me)>.
- 42 *Ibid.*, pp. 31-33.
- 43 Ministry of Human and Minority Rights, *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (Belgrade: Ministry of Human and Minority Rights, 2010), Section 12.4, <<http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-EN-web-FINAL.pdf>>.
- 44 *Ibid.*, Sections 9.4.1, 12.4.
- 45 See Stephan Müller and Željko Jovanović, *Pathways to Progress? The European Union and Roma Inclusion in the Western Balkans* (Budapest: Open Society Institute, 2010), p. 40, <<http://www.opensocietyfoundations.org/sites/default/files/pathways-progress-20100402.pdf>>.
- 46 A 2011 decision of the Croatian government defined the composition of the Commission for Monitoring Implementation of the National Programme for Roma as including seven representatives of local and regional Romani National Minority Councils, one representative of a human rights NGO and one representative each of the self-governments of the City of Zagreb and of Medimurje County, with the remaining 12 members drawn from central government institutions. See Ured za nacionalne manjine Vlada Republike Hrvatske, “Povjerenstvo za praćenje provedbe Nacionalnog programa za Rome [Commission for Monitoring Implementation of the National Programme for Roma]”, website, <[http://www.vlada.hr/hr/uredi/ured\\_za\\_nacionalne\\_manjine/nacionalni\\_program\\_za\\_rome/povjerenstvo\\_za\\_pracenje\\_provedbe\\_nacionalnog\\_programa\\_za\\_rome](http://www.vlada.hr/hr/uredi/ured_za_nacionalne_manjine/nacionalni_program_za_rome/povjerenstvo_za_pracenje_provedbe_nacionalnog_programa_za_rome)>.
- 47 Ministerstvo za trud i socijalna politika, *Revizija na Nacionalnitate akciski planovi od “Dekadata za uključivanje na Romite 2005-2015” i Strategija za Romite vo Republika Makedonija za period 2009-2011 [Revision of the National Action Plans of the Decade of Roma Inclusion 2005-2015 and Strategy for Roma in the Republic of Macedonia for the Period 2009-2011]* (Skopje: Ministerstvo za trud i socijalna politika, 2009), p. 18, <[http://www.mtsp.gov.mk/WBStorage/Files/revizija\\_nap-dekada.pdf](http://www.mtsp.gov.mk/WBStorage/Files/revizija_nap-dekada.pdf)>.
- 48 Law on National Councils of National Minorities, *Official Gazette of the Republic of Serbia* 72/2009, Articles 10, 26, <[http://www.seio.gov.rs/upload/documents/ekspertske%20misije/protection\\_of\\_minorities/law\\_on\\_national\\_councils.pdf](http://www.seio.gov.rs/upload/documents/ekspertske%20misije/protection_of_minorities/law_on_national_councils.pdf)>.
- 49 By way of contrast, Albania, Bosnia and Herzegovina and the former Yugoslav Republic of Yugoslavia lack provisions for minority representation in elected bodies at the local level. Although Bosnia

and Herzegovina's *Law on Protection of the Rights of National Minorities* contains a call for legislation to regulate the representation of minorities at regional and local levels, it appears that this call has not been heeded. See *Law on Protection of the Rights of National Minorities*, *Official Gazette of Bosnia and Herzegovina* 24/2003, Article 20, <[http://www.advokat-prnjavorac.com/legislation/LAW\\_ON%20RIGHTS\\_OF%20NATIONAL\\_%20MINORITIES\\_BOSNIA.pdf](http://www.advokat-prnjavorac.com/legislation/LAW_ON%20RIGHTS_OF%20NATIONAL_%20MINORITIES_BOSNIA.pdf)>. The former Yugoslav Republic of Macedonia's *National Action Plan for Gender Equality 2007-2012*, on the other hand, includes a general call for increasing women's participation in local decision-making, but does not refer specifically to Roma women in this regard. See Ministry of Labour and Social Policy, *National Action Plan for Gender Equality 2007-2012* (Skopje: Ministry of Labour and Social Policy, 2007), Strategic Objective III, <[www.legislationline.org](http://www.legislationline.org)>.

50 Constitutional Act on the Rights of National Minorities in the Republic of Croatia, *Narodne novine* 80/2010, Article 20, <<http://unpan1.un.org/intradoc/groups/public/documents/unpan/unpan017847.pdf>>.

51 *Ibid.*, Article 24.

52 *Ibid.*, Article 28.

53 Law on Local Self-Government, *Official Gazette of the Republic of Kosovo* 3/2008, Articles 54, 61, <[http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L040\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf)>.

54 *Ibid.*, Articles 55, 62.

55 See Constitutional Assembly of the Republic of Montenegro, *Constitution of the Republic of Montenegro* (Podgorica: Official Gazette of the Republic of Montenegro, 2007), Article 79, <<http://legislationline.org/download/action/download/id/929/file/b4b8702679c8b42794267c691488.htm/preview>>.

56 Zakon o manjinskim pravima i slobodama, *Službeni list Crne Gore* 2/2011, Article 28, <<http://www.minmanj.gov.me/biblioteka/zakoni>>.

57 Zakon o lokalnoj samoupravi, *Službeni list Crne Gore* 38/2012, Articles 109-110, <<http://www.uom.co.me/wp-content/uploads/2012/09/Zakon-o-lokalnoj-samoupravi-precisceni-tekst-jul-2012.pdf>>.

58 Government of Montenegro, *Action Plan for the Achievement of Gender Equality in Montenegro (2008-2012)* (Podgorica: Government of Montenegro, 2008), Section 3.4, Goal 4.6.4, <<http://www.undp.org/me/si/projects/Gender%20Programme/docs/National%20Action%20Plan%20for%20GE.pdf>>.

59 Zakon o lokalnim izborima, *Službeni glasnik Republike Srbije* 54/2011, Article 9, <[http://www.paragraf.rs/propisi/zakon\\_o\\_lokalnim\\_izborima.html](http://www.paragraf.rs/propisi/zakon_o_lokalnim_izborima.html)>.

60 Ministarstvo rada i socijalne politike, *Nacionalna strategija za poboljšanje položaja žena i unapređivanje rodne ravnopravnosti [National Strategy for Improving the Position of Women and Advancing Gender Equality]* (Belgrade: Ministarstvo rada i socijalne politike, 2008), Section 4.1.2, <<http://www.centaralter.org.rs/biblioteka.html>>.

61 Law on Local Self-Government, *Official Gazette of the Republic of Kosovo* 3/2008, Article 53, <[http://www.assembly-kosova.org/common/docs/ligjet/2008\\_03-L040\\_en.pdf](http://www.assembly-kosova.org/common/docs/ligjet/2008_03-L040_en.pdf)>.

62 Zakon o lokalnoj samoupravi, *Službeni glasnik Republike Srbije* 129/2007, Article 98, <[http://www.mrrls.gov.rs/sites/default/files/attachment/zakon\\_o\\_lokalnoj\\_samoupravi.pdf](http://www.mrrls.gov.rs/sites/default/files/attachment/zakon_o_lokalnoj_samoupravi.pdf)>.

63 Zakon za lokalnata samouprava [Law on Local Self-Government], *Služben vesnik na Republika Makedonija* 5/2002, Article 55, <<http://www.pravo.org.mk/documentDetail.php?id=219>>.

64 The Serbian *Law on Local Self-Government* further stipulates that for minorities which have formed a national minority council, the national minority council proposes members of the local Council for Inter-Ethnic Relations.

65 See Government of the Republic of Kosovo, *Regulation No. 2/2010 for the Municipal Offices for Communities and Return* (Prishtinë/Priština: Government of the Republic of Kosovo, 2010), <[http://www.kryeministri-ks.net/repository/docs/Rregullore\\_per\\_Zyrat\\_komunale\\_per\\_Komunitete\\_dhe\\_Kthim.pdf](http://www.kryeministri-ks.net/repository/docs/Rregullore_per_Zyrat_komunale_per_Komunitete_dhe_Kthim.pdf)>.

66 Ministerstvo za trud i socijalna politika, *Programa za rabota i akcionen plan na Romskite informativni centri - RIC za periodot 2010-2012 godina [Work Programme and Action Plan of the Roma Information Centres - RIC for the Period 2010-2012]* (Skopje: Ministerstvo za trud i socijalna politika, 2009).

67 The figure of 42 comes from Section 12.3.3. of the *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (Belgrade: Ministry of Human and Minority Rights, 2010), <<http://www.inkluzija.gov.rs/wp-content/uploads/2010/03/Strategija-EN-web-FINAL.pdf>>.

68 Not receiving further attention in this report, but nonetheless worthy of further attention as a possible good practice, is the ongoing development of local action plans in Albania within the framework of BPRI.

69 Zaštitnik građana, *Izveštaj sa preporukama o raseljavanju neformalnog romskog naselja pored "Belvila" [Report with Recommendations on the Resettlement of the Informal Romani Settlement Near "Belvil"]* (Beograd: Zaštitnik građana, 2012), p. 4, <[http://www.ombudsman.rs/index.php/lang-sr\\_YU/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32](http://www.ombudsman.rs/index.php/lang-sr_YU/2011-12-25-10-17-15/2011-12-25-10-13-14/2427-2012-07-26-08-50-32)>.

70 Constitutional Act on the Rights of National Minorities in the Republic of Croatia, *Narodne novine* 80/2010, Article 31, <<http://unpan1.un.org/intradoc/groups/public/documents/unpan/unpan017847.pdf>>.

71 *Ibid.*, Article 28.

72 *Ibid.*, Article 32.

73 *Ibid.*, Article 38.

74 United Nations Interim Administration in Kosovo and Provisional Institutions of Self-Government, *Revised Manual for Sustainable Return* (Prishtinë/Priština: United Nations Interim Administration in Kosovo and Provisional Institutions of Self-Government, 2006), <<http://www.mkk-ks.org/repository/docs/RevisedManualforSustainableReturn-July2006.pdf>>.

75 Zakon o lokalnoj samoupravi, *Službeni glasnik Republike Srbije [Law on Local Self-Government]* 129/2007, Article 98, <[http://www.mrrls.gov.rs/sites/default/files/attachment/zakon\\_o\\_lokalnoj\\_samoupravi.pdf](http://www.mrrls.gov.rs/sites/default/files/attachment/zakon_o_lokalnoj_samoupravi.pdf)>.

# Recommendations

The recommendations below are an attempt to distil experiences from good practices, as well as from less successful ones, into guidelines for designing local-level good practices in the areas of discrimination and participation of Roma in decision-making.

## 4.1 Anti-discrimination

*Derive local-level policy and practice from central anti-discrimination policies.* While the needs of local Roma communities for combating discrimination can be expected to vary according to the frequency and type of discriminatory practices within a given locality, it is at the same time crucial that anti-discrimination legislation and policy adopted at central level be implemented uniformly in all localities. This being the case, local initiatives should focus on effective implementation of national legislation and policy rather than on elaborating new priorities in this area. The other recommendations in this section also take this principle into account.

*Raise awareness about discrimination as a problem and about the means for combating it.* With an eye to preventing discrimination where possible and addressing it as necessary, both Roma and non-Roma should be informed about the various forms of discrimination, legal prohibitions on discrimination and the remedies available to victims of discrimination.

*Prioritize local-level outreach by central anti-discrimination institutions.* Rather than establish local institutions to address discrimination that depend for their existence on political decisions taken locally, local practice in the area of anti-discrimination should be directly connected to more stable institutions established for this purpose at the central level. Among the methods by which central-level human rights institutions can effectively promote anti-discrimination in Roma communities are establishing local branch offices, organizing local gatherings in public institutions and

visiting Roma settlements. These methods are mutually complementary.

*Streamline procedures for access to remedies for discrimination.* As illustrated by experiences with free legal aid in the Western Balkans, a powerful anti-discrimination mechanism may be of little use for Roma if the most vulnerable frequently lack the documents required to access the mechanism. With this in mind, appropriate procedures should be developed that take into account the often difficult and complex legal situation of those most likely to both experience discrimination and need assistance in combating it.

*Address multiple discrimination.* Insofar as Roma women and girls are likely to experience marginalization on the grounds of both ethnicity and gender, anti-discrimination legislation, policy and practice at all levels should attend explicitly to the phenomena of multiple discrimination. At the same time, legislation, policy and practice on gender equality should target Roma women and girls as a particularly vulnerable group in this regard.

## 4.2 Participation in decision-making

*Build Roma participation into initiatives that affect Roma directly.* While initiatives focusing primarily on consultation can sometimes be useful in their own right, more reliable from the standpoint of ensuring genuine ownership is connecting consultative processes to concrete activities to be implemented in and with local Roma communities. One method that has demonstrated considerable promise from this standpoint is the employment of Roma in local administrations as focal points for issues affecting local Roma populations.

*Create policy to address community needs.* In localities where Roma are disadvantaged relative to the non-Roma population, their needs may be appropriately addressed through the elaboration of local action plans that take into account both priorities set at central

level and local specifics. The drafting process should secure the sustained and active contribution of representatives of local Roma communities, who are best acquainted with the needs to be addressed. At the same time, the quality of both processes and products can be improved by taking into account the experience of other localities in developing and implementing local action plans.

*Secure funding for implementation.* Notwithstanding the importance of including Roma actively in consultative processes, the extent to which such inclusion is meaningful and ultimately desirable from the standpoint of integration depends in large part on whether the products generated through the consultative processes are subsequently funded and actually applied to bring concrete changes in the daily lives of local Roma communities.

*Promote growth in the pool of capable interlocutors.* The degree to which the knowledge of members of local Roma communities can be applied in developing and implementing appropriate policy is integrally linked to the capacity of those supplying the knowledge. While some building of such capacity can be accomplished in the short term through targeted training programmes with local Roma activists and through community-development work, long-term capacity building is a function of raising the level of education of the Roma population as a whole.

*Ensure the sustained and active presence of Roma women in decision-making.* Key to securing genuine and meaningful participation of Roma in decision-making at the local level is that it not be dominated by Roma men. Inclusion of Roma women in local decision-making is also a crucial step toward combating multiple discrimination.



## GOOD PRACTICE IN ANTI-DISCRIMINATION

# The Legal Framework for Roma Integration: International and European Legal Standards

Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia<sup>1</sup> are all party to the main universal and European human rights treaties, and are participating States of the OSCE. These treaties and OSCE commitments are relevant to Roma Integration.

### United Nations Treaties

- \* *The International Covenant on Civil and Political Rights* (ICCPR) guarantees universal human rights. Article 26, guaranteeing protection against discrimination, and Article 27, guaranteeing the rights of persons belonging to ethnic, religious or linguistic minorities to enjoy their culture, religion and language, are the most relevant to Roma integration. In the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), states undertake to guarantee the rights to work, education, food, housing and participation in cultural life. Article 2 par. 2 of the ICESCR stipulates that “States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”
- \* *The International Convention on the Elimination of all Forms of Racial Discrimination* (CERD) is more specific, as it guarantees protection against racial discrimination. It first gives a broad definition of racial discrimination and, in Article 2, states that parties should “undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms.” The good practice<sup>2</sup> examples included in the *BPRI Regional Report on Anti-Discrimination and Participation of Roma in Local Decision-Making* showcase efforts to stop or prevent violations of rights guaranteed by the CERD. The good practices “Outreach by the Commissioner for the Protection of Equality” in Serbia<sup>3</sup> and “Condemning Discrimination against Roma” in Croatia,<sup>4</sup> both involved individual cases of discrimination against Roma and

courts elaborating and publishing formal opinions on the cases in areas including education, housing and public information. These are also examples with respect to Article 5, which elaborates “the right to security of a person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution”.

- \* *The International Convention on the Elimination of All Forms of Discrimination of Women* (CEDAW) obliges states to do their utmost to eliminate discrimination against women. In the preamble, it is recognized that “in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs.” This is the exact problem tackled in the good practice “Raising awareness about the position of Roma women and available remedies” in the former Yugoslav Republic of Macedonia.<sup>5</sup> Article 16 ensures the right of women to freely choose their spouse and to enter into marriage only with their free and full consent. The good practice in Montenegro “Action against forced marriages in the Roma and Egyptian Community” draws attention to and works to prevent forced and arranged marriages, that are often the case for Roma and Egyptian women.<sup>6</sup>
- \* *The International Convention on the Rights of the Child* (CRC) and its two optional protocols guarantee specific fundamental rights for children, including protection from sexual abuse and other forms of exploitation, and protection against violence. One protocol aims to prevent the involvement of children in armed conflicts, while the other seeks to protect children against sale, child prostitution and child pornography. Child abuse, neglect, exploitation and trafficking are violations of the CRC. Measures to prevent or counter such violations are found in the good practices “Child Protection Units”<sup>7</sup> and “Protection and Integration of Street Children in Tirana”<sup>8</sup> in Albania.

### Council of Europe Treaties

- \* *The European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) guarantees universal human rights. All states in the Western Balkans are Member States of the Council of Europe and are party to the ECHR and its protocols. When a right guaranteed in

1 Kosovo\* is not party to any conventions, but they are still directly applicable there, in accordance with Kosovo law.

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

2 A good practice is an initiative presented in the accompanying report that was selected on a set of fixed criteria. See *Best Practices for Roma Integration: Regional Report on Anti-Discrimination and Participation of Roma in Local Decision-Making* (Warsaw: OSCE Office for Democratic Institutions and Human Rights, May 2013), <<http://www.osce.org/odihr/102083>>.

3 See good practice in Anti-discrimination number 13, pg. 48.

4 See good practice in Anti-discrimination number 5, pg. 40.

5 See good practice in Anti-discrimination number 6, pg. 41.

6 See good practice in Anti-discrimination number 10, pg. 44.

7 See good practice in Anti-discrimination number 1, pg. 36.

8 See good practice in Anti-discrimination number 2, pg. 37.

the Convention or its protocols is violated and all domestic remedies have been exhausted, individuals have the right to submit an application to the European Court of Human Rights (Article 34). Protocol 12 calls for general protection against discrimination. A clear case of discrimination in education against Roma, and thus a violation of this protocol, was solved at the national level by the good practice “Condemning discrimination against Roma in Croatia.”<sup>9</sup> The good practice “Combating segregation in education” in Kosovo\* is another example of successful action against discrimination in education.<sup>10</sup>

- \* *The European Framework Convention for the Protection of National Minorities* (FCNM) has also been signed and ratified by all states in the Western Balkans. Accordingly, they maintain a dialogue with the Advisory Committee of the FCNM. With respect to Kosovo, the Council of Europe and United Nations Interim Administration Mission in Kosovo (UNMIK) concluded *The Agreement between the United Nations Interim Administration Mission in Kosovo and the Council of Europe on Technical Arrangements Related to the Framework Convention for the Protection of National Minorities*, which entered into force on 23 August 2004.<sup>11</sup> Articles 3 and 15 of the FCNM are the most relevant with respect to Best Practices for Roma Integration.
- \* Article 3 of the FCNM concerns the right of the individual to choose to be a member of a minority and, thus, to be entitled to the rights enshrined in the FCNM. All states in the Western Balkans recognize the Roma as a minority group, but several concerns with respect to Roma and the implementation of Article 3 have been raised.
- \* The Committee of Ministers of the Council of Europe, in its resolution on the implementation of the FCNM in Albania, declared the unclear distinction between national and ethno-linguistic minorities in Albania an issue of concern, as the difference might result in differentiated treatment to the detriment of the ethno-linguistic minorities. Roma are considered an ethno-linguistic minority.<sup>12</sup> The Advisory Committee expressed its concern that states only grant minority status to citizens. Roma, who often do not have any personal documents, are thus often denied the protection of the FCNM and national laws on minorities. Serbia<sup>13</sup> is a positive exception, extending minority protection to non-citizens. A related concern is the situation of Egyptians. Albania<sup>14</sup> and the former Yugoslav Republic of Macedonia<sup>15</sup> do recognize Roma as a minority, but not Egyptians.
- \* Article 15 of the FCNM, according to the Explanatory Memorandum to the FCNM, obliges states to involve

members of minorities “in the preparation, implementation and assessment of national and regional developments plans and programmes likely to affect them.” All the good practices on developing local action plans work to uphold this article, including the good practice “Co-funding for co-operation between Roma NGOs and local authorities” in Bosnia and Herzegovina.<sup>16</sup> The good practice “Local and regional Roma Minority Councils” in Croatia<sup>17</sup> is another good example, as is “Sustainable partnership between municipalities and local Roma NGOs” in Serbia.<sup>18</sup>

## European Union

The *European Union Council Directive 2000/43/EC* of 29 June 2000, implementing the principle of equal treatment between persons irrespective of racial and ethnic origin, and *Council Directive 2000/78/EC* of 27 November 2000, establishing a general framework for equal treatment in employment and occupation, are binding legal instruments for EU member States. The European Union has become more directly involved in Roma issues since 2011, when the European Parliament adopted a resolution on the EU Strategy on Roma Inclusion (March 2011), while the European Union Council conclusions led to the adoption of the *EU Framework for National Roma Integration Strategies up to 2020*, in Brussels on 19 March 2011.

## OSCE Commitments

All OSCE participating States have committed to ensuring human rights and fundamental freedoms to everyone within their territory and subject to their jurisdiction, and the “particular problems of Roma were recognized” for the first time in the 1990 Copenhagen Document.<sup>19</sup> In 1992 the Office for the OSCE High Commissioner on National Minorities was established. The High Commissioner recognized the specific problems of Roma and commissioned a *Report on the Situation of Roma and Sinti in the OSCE Area*, which was published in 2000. Following this example, other strategic documents were prepared, such as the *2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* and the first and second status reports on the implementation of the Action Plan, published by ODIHR in 2008 and 2013, respectively.<sup>20</sup>

9 See good practice in Anti-discrimination number 5, pg. 40.

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence\* Kosovo is not party to any conventions, but they are still directly applicable there, as explicitly stated in the Kosovo Constitution.

10 See good practice in Anti-discrimination number 8, pg. 43.

11 ACFC (2005)003, p. 2.

12 Resolution CM/ResCMN(2009)5.

13 Resolution CM/ResCMN(2009)5.

14 ACFC/OP/III(2011)009, p.10.

15 ACFC/OP/III(2011)001, p.9.

16 See good practice in Roma participation number 4, p.68.

17 See good practice in Roma participation number 5, p.69.

18 See good practice in Roma participation number 17, p.81.

19 In the “Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”, 1990, article 40, the participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone, as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

20 See OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Maastricht, 1-2 December 2003, <<http://www.osce.org/odihr/17554>>; Implementation of the Action Plan on Improving the Situation of Roma and Sinti in OSCE Area, Status Report 2008, (Warsaw: OSCE/ODIHR, 2008), <<http://www.osce.org/odihr/33500>>; and Implementation of the Action Plan on Improving the Situation of Roma and Sinti in OSCE Area, Status Report 2013, (Warsaw: OSCE/ODIHR, 2013), <<http://www.osce.org/odihr/107406>>.

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