

**WRITTEN COMMENTS ON IMPLEMENTATION OF THE
FRAMEWORK CONVENTION FOR PROTECTION OF
NATIONAL MINORITIES
(2003-2007)**

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Introductory remarks

BIBIJA - Roma Women's Center (1998) is a non-governmental organization working on accomplishment of Roma women's human rights and improvement of their social position in Serbia. Bibija provides psycho-social and legal support for Roma women, disseminates information through bilingual printed materials and supports Roma women's activism by developing trainings and advocating on national and international levels.

Minority Rights Group International (MRG) is non-governmental organization working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. MRG focuses its activities on international advocacy, training, publishing and outreach. MRG has consultative status with the United Nations Economic and Social Council.

Written comments are related to the respect of minority rights of Roma national minority in Serbia in accordance to the Framework Convention for Protection of National Minorities for the period September 1st 2003 - September 1st 2007.

NGO Questionnaire

Questions to be examined by the Advisory Committee in the second monitoring cycle of the Framework Convention in relation to Serbia

In the second monitoring cycle of the Framework Convention for the Protection of National Minorities, the Advisory Committee seeks information from various sources on new developments pertaining to the protection of national minorities. The Advisory Committee is particularly interested in information on developments linked to the issues raised in the Committee of Ministers' Resolution of 17 November 2004 and the Opinion of the Advisory Committee of 27 November 2003. A number of additional issues are also

of interest to the Advisory Committee and these are reflected in the questions listed below.

1) Please comment on the composition, appointment procedures, functions and impact of the new Government Office for Human and Minority Rights and of the Council of the Republic of Serbia for National Minorities. In your view, has the absence of a ministerial-level body devoted to human and minority rights affected the

weight given to these issues in the Government's policy-making or efforts to develop a strategy to advance minority protection?

Following the end of the Union of Serbia and Montenegro functioning, institutions that operated on federal level lost their legitimacy. One of them was Ministry for Human and Minority Rights that regulated accomplishment of minority rights. Law on Protection of Rights and Freedoms of National Minorities was adopted in 2002 on federal level, and in accordance to its regulations it regulates election of national councils of national minorities on the federal level. Ending the existence of the federal state this Law, the only one that regulates area of human and minority rights respect, loses its legitimacy just like the Federal Ministry for Human and Minority Rights. Such action created vacuum that was partially overcome by establishment of the Agency for Human and Minority Rights that is functioning under the Government of the Republic of Serbia, mostly like its advisory body. Even being the successor of the Federal Ministry for Human and Minority Rights by all means, the Agency doesn't have any influence on legislative initiatives in the area of human and minority rights. Secretariat for Roma National Strategy, office that is exclusively dealing with Roma national minorities continues its functioning as a project supported by international donors, mostly OSCE Mission in Serbia (April 2003 - May 2007) and from June 2007 UNDP Serbia. Vacuum that occurred in the legal regulations of human and minority rights is not yet overcome. Law that should be regulating this issue doesn't exist on the level of the Republic of Serbia, instead the Federal Law on Protection of Rights and Freedoms of National Minorities adopted on 2002 is still functioning. At the same time, mandate of majority of National Councils has expired since the Federal Law on Protection of Rights and Freedoms of National Minorities legally is not legitimate. National Councils don't have a legal background to dismiss previous Assembly and to start electoral process for the new Assembly members and for certain boards inside their national councils. Agency for Human and Minority Rights as successor of the Federal Ministry for Human and Minority Rights doesn't have a solution for the current situation where illegitimate Assemblies of National Councils still perform their duties for which, legally; they are not authorized to perform. Regarding the Roma National Council that shares position of all other National Councils it is still functioning with Assembly and members elected in 2003. During elections (parliamentarians and two presidential) in many occasions used representatives of current Roma National Council in their electoral campaigns.

2) Please comment on the main changes as regards the constitutional protection of national minorities brought about by the adoption of the new Constitution in 2006. Please comment on the way in which representatives of national minorities were consulted in the drafting process.

Adoption of the Constitution of the Republic of Serbia in 2009 divided public in Serbia. A larger part of the public, Vojvodina, than Belgrade and its area and larger part of the Central Serbia, thinks that the Constitution was adopted by undemocratic process and that it is the first legal act brought in the National Parliament without parliamentary discussion, meaning that parliamentarians didn't have a chance to speak against this legal act. In media certain comments like "with this Constitution we lower the level of human rights protection" were heard. Representatives were called to public discussion without text of the Constitution sent prior to this activity. Public discussion lasted for a very short period of time emphasizing only existence of articles 14,15,21,32,46,68,77,79,180 and 199 in relation to national minorities protection without going through some other articles of the Constitution. Also, this public discussion looked more like promotion of already adopted Constitution and discussion on possible Kosovo status, than asking for an opinion of national minorities' representatives in Serbia. While protection of national minorities is guaranteed by special chapters and articles, only one constitutional article is dedicated to gender equality:

Article 15

The State shall guarantee the equality of women and men and develop equal opportunities policy.

Protection of national minorities

Article 14

The Republic of Serbia shall protect the rights of national minorities.

The State shall guarantee special protection to national minorities for the purpose of exercising full equality and preserving their identity.

Prohibition of discrimination

Article 21

All are equal before the Constitution and law.

Everyone shall have the right to equal legal protection, without discrimination. All direct or indirect discrimination based on any grounds, particularly on race, sex, national origin, social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited.

Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination.

Right to a fair trial

Article 32

Everyone shall be guaranteed the right to free assistance of an interpreter if the person does not speak or understand the language officially used in the court and the right to free assistance of an interpreter if the person is blind, deaf, or dumb.

Prohibition of inciting racial, ethnic and religious hatred

Article 49

Any inciting of racial, ethnic, religious or other inequality or hatred shall be prohibited and punishable.

Health care

Article 68

Everyone shall have the right to protection of their mental and physical health.

Health care for children, pregnant women, mothers on maternity leave, single parents with children under seven years of age and elderly persons shall be provided from public revenues unless it is provided in some other manner in accordance with the law.

3. Rights of Persons Belonging to National Minorities

Article 76

Persons belonging to national minorities shall be guaranteed equality before the law and equal legal protection.

Any discrimination on the grounds of affiliation to a national minority shall be prohibited.

Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavourable living conditions which particularly affect them.

Article 77

...When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration.

Right to preservation of specificity

Article 79

Members of national minorities shall have a right to: expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity; use of their symbols in public places; use of their language and script; have proceedings also conducted in their languages before state bodies, organisations with delegated public powers, bodies of autonomous provinces and local self-government units, in areas where they make a significant majority of population; education in their languages in public institutions and institutions of autonomous provinces; founding private educational institutions; use of their name and family name in their language; traditional local names, names of streets, settlements and topographic names also written in their languages, in areas where they make a significant majority of population; complete, timely and objective information in their language, including the right to expression, receiving, sending and exchange of information and ideas; establishing their own mass media, in accordance with the Law.

Language of proceedings

Article 199

Everyone shall have the right to use his/her language in the proceedings before the court, other state body or organisation performing public powers, when his/her right or duty is decided on.

Unfamiliarity with the language of the proceedings may not be an impediment for the exercise and protection of human and minority rights.

3) Please comment on the current legal status of the Charter on Human and Minorities Rights and of the Law on the Protection of Rights and Freedoms of National Minorities.

Both documents had legitimacy during existence of the State Union of Serbia and Montenegro. After Montenegrin referendum, in May 2006, the State Union was resolved and at the same time institutions and legal provisions in relation to the territory of the federal state. The new state, Republic of Serbia has no act that regulates the status of these two documents or their implementation.

4) Please comment on any recent legislative and other developments as regards minority councils and other mechanisms envisaged in the Law on the Protection of Rights and Freedoms of National Minorities. Please comment on the plans to introduce new legislation aimed to regulate in more detail e.g. elections of councils.

Election of National Councils is regulated by the Act on Election of National Councils that is a part of the Law on Protection of Rights and Freedoms of National Minorities adopted in 2002. All activities in relation to implementation of this Act and the Law itself, like election of national councils, are stopped. National councils are still functioning even if they passed their mandate. One of the most important remarks on the Law on Protection of Rights and Freedoms of National Minorities and on the Act on Election of National Councils is that they are gender insensitive and that they don't provide minimum percentage for women's participation in National Councils. Currently in the National Council for Roma national minorities only two women are active.

5) Please comment on developments as regards investigation, prosecution and judgments concerning ethnically motivated crime, and on data collection in this sphere.

Investigations of ethnically motivated attacks on Roma are very rare, even when such motives are obvious. For example, incident in the village Prograde near Belgrade when two minors brutally killed its neighbour, also under aged Roma boy, wasn't characterized as racist attack but as a mobile phone theft. Director of the Agency for Human and Minority Rights, Petar Ladjevic denied existence of ethnically motivated crime in relation to this incident. Compared to 90s, more racist and nationalistic attacks in Serbia were recorded in 2004. In the first six months of 2004; 44 physical attacks with ethnical intentions, 13 fights and at least 17 attacks on Roma that are reported to officials. One of the national-chauvinistic disciplines gains its intensity: 32 cases of monument desecration were recorded. Number of incidents is raising and actors of such violent actions, what is absurd, mostly young persons that were raised in an isolation, war environment and in the period of social insecurity. Lack of institutional reaction is more than visible and the basic question is how the public can influence on prevention of this evil. Especially sensitive is the area of Vojvodina, where the population is very heterogeneous. Belgrade as a metropolis is also very adequate ground for development of nationalistic ideas and intolerance. Verbal violence, suspiciousness, mistrusts, national getoization are keeping an awkward atmosphere where a first are scare of a second, second are scared of a third, third are feared by a first, second took a distance from a third and all of them do not believe themselves. Attacks on Roma settlements are frequent, like the skinheads attack on the Roma settlement Backi Ilovnik in 2006 located in Zemun that wasn't characterized as ethnical or nationally motivated attack in media. Such information do not take a lot of space in media and officials give only general information on such acts, almost never directly accusing attackers. Investigations are finished with description "disturb of public peace" and that nobody is punished or if

somebody is those punishments are symbolic. Prosecution and judgments never occur and Roma population does not press charges or they are withdrawing them.

Regarding databases in this sphere, like in all others in Serbia, is not organized on nationality bases. Even National Employment Agency or Centers for Social Work don't have databases from which you can gain percentage of minority or women's participation in such services. It is very hard to reach such information from databases of the civil sector. Police and judicial databases are very closed and inaccessible by public.

BIBIJA-Roma Women's Centre is recording violations of human, minority and women's rights in years. The last survey was conducted in September 2007 and involved Belgrade, Vranje and Nis and it states that 57% of citizens under racism consider "any type of marking of persons because of different skin colour, culture, religion, ideology" and 4% of them consider racism as physical violence against persons of different colour, culture, religion and ideology. 43% of citizens of those towns think that the cause of racist acts in Serbia is lack of knowledge of other culture, while 23% of them think that reason is fear of endangerment of nationality and religion that majority population belong to. It is interesting that even 10% of surveyed thinks that unemployment and difficult economic situation is the reason of arousal of racism. That racist tendencies in Serbia are arousing thinks 48% of surveyed and 30% that they didn't even change compared to previous years. Others didn't think about this issue. Regarding the question which nationality is the most exposed to racist attacks in Serbia, 67% thinks that all minorities are, the first mention are Roma, small religious communities, sexual minorities and persons with special needs. Regarding gender issue only 14% of surveyed thinks consider women more endangered than men. For women, members of national minorities and other vulnerable groups of the society, only 25% of surveyed thinks that they are a slightly endangered than men belonging to the same social group.

6) Please comment on recent efforts to advance minorities presence in the law enforcement and judiciary.

Regarding Roma national minority the most frequently mentioned reasons for lack or absence of their involvement in decision making processes and public institutions is absence of Roma educated elite. Lack of adequately educated is the mostly mentioned reason for absence of Roma men and women in public institutions. Roma women here are in especially difficult position because they suffer so called "double discrimination" that is very visible in accessing education and employment. Affirmative measures that are applied in education are rarely introduced by Police schools. Affirmative employment measures are not in force yet even being predicted by the Constitution that doesn't define them as discriminatory acts in relation to majority. Recent case is public statement of the Health Minister Tomica Milosavljevic

on application of affirmative employment measures in health care sector where Roma national minority health practitioners will have an advantage. His statement was qualified as violation of basic human rights by the Syndicate of health practitioners.

7) Please comment on the way in which the process of regularizing the status of unregulated buildings has affected Roma as well as on any evictions.

There are 600 Roma settlements in Serbia that are illegal, meaning that they are carrying status of “wild” settlements. Only in Belgrade there are 157 of them and only one is legalized. Status of these settlements until November 2007 hasn't been regulated with any kind of act; they are still treated as “wild settlements” and illegal buildings even if some of them exist in these locations for more than 40 years. Since the land on which they are built usually belongs to a town or municipality during privatization and transition, city or municipal governments are often selling them to private enterprises or businessman's for building shopping centre, factories and similar. The newest shopping centre Delta City in New Belgrade, which owner is the most influential businessman M. Miskovic, was built on the location of the Roma settlement that was located on that spot for many years before. New Belgrade is rapidly developing in recent years and city government is urgently selling ruined factories and firms, abandoned buildings and land that belong to the city. For decades those abandon facilities in New Belgrade were inhabited by Roma families and at least half of them are IDPs from Kosovo. When these lands gained new owners those multi-member families were simply exiled. Especially dramatic is the case of Roma settlement in Block 62 (New Belgrade again) which was inhabited by Roma mostly, IDPs from Kosovo. Even the city government was involved in this action Roma were moved by force from the location without any adequate accommodation prepared. Inhabitants of Roma settlements destroyed by bulldozers, are usually moving to other family members or to relatives and friends in other Roma settlements that are also illegal. All displacements are violent and conducted without any adequate accommodation offered.

8) Please comment on the new Law on Churches and Religious Communities and on the effects it has had on the status and activities of religious institutions of national minorities in schools and other pertinent contexts.

Roma population doesn't have original religion. Inhabiting certain geographical areas they were taking dominant religion in the area. In Central Serbia and in a larger part of Vojvodina live Orthodox Roma population, South Serbia and Kosovo are mostly inhabited by Muslim Roma. There are also Roma of Catholic religion in Serbia. In the last census 3% of Roma declared themselves as Catholics. With the beginning of wars on the territory of ex-YU, a significant number of Roma refugees

are settling in Serbia, mostly from Bosnia, most of them belonging to Muslim religion. Internal migration caused by Kosovo riots and NATO bombing, brings larger number of Muslim Roma into Belgrade and some towns in Vojvodina, like Subotica on the North where majority inhabitants are Catholic Hungarians. March violence in Kosovo in 2004 resulted with setting a fire in Belgrade's mosque and mosque in Nis. Escalation of violence towards non-Serbian religious marks quickly moved from burning mosques to attacks on Roma settlements in Nis whose inhabitants were almost entirely of Muslim religion. Law on Churches and Religious Communities predicts implementation of "religious lessons" introduction into elementary education curriculum. Under "religious lessons" the law predicts teaching Orthodox religion. In schools where lessons are developed in native language of the national minority (e.g. Hungarian) religious lessons are teaching the adequate religion of this community. Learning other religions is not predicted beside several informative lessons given by the Orthodox religion teacher. Alternative to religious lessons is the subject civil education.

Introduction

Social and political situation 2003-2006 - UNION OF SERBIA AND MONTENEGRO

According to the official Census from the year 2002 that included territory of Central Serbia and Autonomous Province of Vojvodina, from 7 498 001 citizens Serbs make 82,86% of population, Montenegrins 0,92%, Hungarians 3,91%, Bosnians 1,82%, Roma 1,44%, Croatians 0,94% and Albanians with 0,82 percent.

Here we will mention doubtful fact that official Census doesn't provide the real picture of the size of the Roma national minority. Estimations of the civil society on the number of Roma national minority members says that number is ranging from 500 000 to 800 000. It is important to emphasize that this deviation in percentage looks like this: official statistics 1.44% and civil society estimations goes from 6.67 to 10.67%. This plays a significant role in the process of implementation of relevant laws on national and local levels which provide accomplishment of human and minority rights. Minority issue is one of the most important indicators of ethno-nationalism and ethnical or national exclusion that comes with it. That is why it is important to frame the problem of minorities into the right context without which there is no real understanding of this problem. Roma don't have neither relative nor absolute majority in any municipality in Serbia. Observing all ethnic groups they are showing the larger level of territorial dispersion. Religiously and linguistically they are heterogeneous. They are divided into Catholic (so called "Hungarian Roma") mostly situated on the territory of Vojvodina, than Orthodox Roma ("Serbian Roma" or "Rumanian Roma") in central and eastern Serbia and Roma of Muslim religion

located in the south of Serbia, as also internally displaced persons from Kosovo and Metohia who are also mostly of Muslim religion. Those three groups differ a lot with their traditions, attitudes, living conditions, economic conditions, food etc. Roma population is the youngest population, not only in Serbia but also in Europe and has a high birth rate. On the other hand because of very bad living conditions they also have high child mortality and older members of the population are dying rather young (average life of the Roma community member goes from 44-46 years of age).

During the period of the States Union (2003/06) implementation of **the Law on the Protection of Rights and Freedoms of National Minorities**¹ faced a lot of problems in the practice, first of all because of unclearly defined relation between two republics that constituted Federation. In the period of the State Union the Law on the Protection of Rights and Freedoms of National Minorities was implemented only by the Republic of Serbia. The main remark of this, important and long waited document, is that it doesn't give any sanctions in cases of its violation. Here we have justified question of its obligatory values and responsibility in the process of its implementation. The Law further predicts establishment of National Councils of National Minorities which role is to present national interests in preserving and developing cultural identity. Even than, some opened issues were not solved entirely until today (five years of its implementation): first of all, unclear competences of National Councils, than forms of their financial support which puts Councils into the position of dependence.

Charter on Human and Minority Rights and Civic Freedoms is constitutive part of the **Constitutional Charter** that in the section Human and Minority Rights and Civic Freedoms in the Article no.9. obligates Serbia and Montenegro to „*shall monitor the implementation of human and minority rights and civil liberties and shall ensure their protection if such protection is not ensured in the member states*“, emphasizing that „*The achieved level of human and minority rights, individual and collective and of civil liberties may not be reduced*“.

Decade of Roma Inclusion 2005-2015

In this period the most relevant action for Roma national minority is happening on regional level: under the patronage of the World Bank, Open Society Institute, Council of Europe, United Nations development Programme and OSCE ten-years activity was initiated – Decade of Roma Inclusion – in which, beside Serbia and Montenegro, another 7 countries took part in February 2005 (Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Romania, and Slovakia).

¹ Official gazette of FRY, no. 11/2002, 57/2002

The idea of the Decade emerged from “Roma in an Expanding Europe: Challenges for the Future”, a high-level regional conference on Roma held in Budapest, Hungary, in 2003. **Declaration of the Decade of Roma Inclusion** states: *“Building on the momentum of the 2003 conference, “Roma in an Expanding Europe: Challenges for the Future,” we pledge that our governments will work toward eliminating discrimination and closing the unacceptable gaps between Roma and the rest of society, as identified in our Decade Action Plans. We declare the years 2005 – 2015 to be the Decade of Roma Inclusion and we commit to support the full participation and involvement of national Roma communities in achieving the Decade’s objectives and to demonstrate progress by measuring outcomes and reviewing experiences in the implementation of the Decade’s Action Plans”.*

Before accessing to this initiative in 2002, Strategy for integration and giving new permissions to Roma was drafted and until today it stayed in the format of draft, meaning that it wasn’t adopted by the Parliament. At the moment of accessing to the Decade even the signatory (Vojislav Kostunica as premier at that period) represented both states, only Republic of Serbia had started implementation of priorities agreed on the Conference in Budapest in 2003, obligating that it will work on *„elimination of discrimination and overcoming an unacceptable gap that exists between Roma and the rest of the society in a way as identified in our Action Planes for the Decade“*. Decade became the frame for measuring inclusion of Roma on the governmental level and on the level of Roma civil society. Presiding of the Decade is changing each 6 months. Serbia’s presidency of the Decade is expected in June 2008. Most of countries are regularly present on the meetings of the International Supervisory Committee of the Decade. With exception of the Montenegro and Serbia rest of the countries gave their support to Decade Trust Fund trough which mutual technical support and capacity building as Decade implementation support is financed. Beside a certain improvement, activities that started in the frame of the Decade still didn’t achieved significant success and visibility. Government of the Republic of Serbia, or more precisely relevant Ministries that are involved in the realization of Action Planes still are thinking and working on the level of projects and sporadic measures and not on the level of programmes and integrated politics, disregarding one of the core goals of Action Plans starting: their elevation to the level of sustainable mechanisms for successful integration of the Roma community in social environment.

Action Plans

Decade realization in the period of State Union existence was under jurisdiction of the Federal Ministry for Human and Minority Rights, more concretely, under the **Secretariat for Roma National Strategy** formed by OSCE that even today stayed on the project level, meaning that it didn’t came under the financial jurisdiction

of the Government of the Republic of Serbia. **Secretariat for Roma National Strategy** as creator of the draft of the Strategy for integration and giving new permissions to Roma, supported by the World Bank and Fund for an Open Society-Serbia, started development of Action Plans for the following areas: health, education, housing, employment, women's rights, social care, anti-discrimination, information sharing, culture, issue of internally displaced persons from Kosovo and Metohia, issue of returnees under the Readmission agreement and media. Even with determined priorities of the Decade on the Conference in Budapest 2003 – **health, education, housing and employment** were the only 4 Action Plans adopted by the Serbian Parliament in January 2005. In the process of development of those Action Plans and their adoption participated the following Ministries: Ministry of Health, Ministry of Work, Employment and Social Politics and Ministry of Education. Ministry for Capital Investments (now Ministry for Infrastructure) didn't join the implementation of Action Plan on Housing until 2007.

Shortages

One of the major shortcomings of the Decade is absence of women's issue in above mention priorities. Women's issue, just like struggle against discrimination are determined as cross-cutting theme of the Decade, which is for those issues certainly far from enough. None of those four adopted Action Plans is paying enough attention to women's aspect of the general problem. Ignoring women's needs, measures predicted in Action Plans bring gender insensitive actions and at the same type of yearly budget. Generally speaking, the other great shortage is nonexistent systematic and regular data collection that would enable comprehensive monitoring of Action Plans` implementation. We emphasize necessity and requirement of gender sensitive systematization of those data. Analyses of such data would provide clear picture of, first of all situation of women's human rights and also needed measure for improvement of such situation. Not including women's needs in adequate ways into predicted measures for realization of Action Plans on national and also on local level we are risking to receive results and improvement that would not be improvement of Roma women's position in their families and in the society. In the process of the Decade implementation significant role is playing local self-government.

Municipalities in Serbia received special permissions by the Law on Local Self-government. Those permissions can be used in cases of aiming faster and more successful integration of Roma community on local level, only if local self-government perceives Roma issue as issues of prosperity and not as political issue. First of all, supported by international organizations like OSCE and European Agency for Reconstruction, municipalities started development of local Action Plans for 4 priority areas. This action was enriched by engagement of 20 Roma coordinators in 20 Serbian municipalities in the frame of the project supported by OSCE. Action is continuing in 10 more municipalities in the frame of the project supported by UNDP

Serbia. In 20 municipalities that participated in the project only 5 of them engaged women from which only one is permanently employed in the municipality (municipality Barajevo-Belgrade). Launching such activities without international organizations` support is rare and sporadic. It seems that everything stays on the project level with limited duration and without sustainability. Not a single municipality had developed Action Plan that focuses problem of women and/ or defines needs and measures for overcoming them.

2006 - 2007

End of functioning of the State Union of Serbia and Montenegro

In June 2006, after the referendum held in Montenegro, State Union of Serbia and Montenegro ended its existence. This influenced primarily on federal organs from which the most important for us is Federal Ministry for Human and Minority Rights under which Secretariat for Roma National Strategy was operating even being on the project level. At the same time this stopped the process of development of Action Plans and also the process of adoption of the Strategy for Integration and giving new permissions to Roma and of the rest of the Decade Action Plans including for this report the most important Women`s Action Plan – **Specific Position of Women.**

It seems that the level of dedication towards Roma Decade of the central Government in Serbia is not clear enough. There is a certain number of activities that follow agreement from Budapest 2003 and Declaration signed in Sofia in 2005, but all that is limited to pilot projects that are mainly launched and supported by international donors which sustainability is uncertain after the end of financial support.

In judiciary practice courts as direct source of rights do not implement international sources.

Methodology

Identifying problem and its analyses

Analyses enabled us to identify current, realistic problem, answering on the question what are causes and consequences of the problem, as also recognizing possible solutions.

FACTORS that influenced on the analyses of the problem and selection of priorities:

- attitudes and behavioural patterns
- strategies and current plan for development of national community
- characteristics of local self-government
- economical development of the community
- TECHNIQUES for identifying problems and community needs:
 - resources of BIBIJA-Roma Women's Center
 - field research and data gathering
 - filling questionnaires and surveys
 - interviews
 - consultation workshops
 - statistical evidence and documentation of different institutions
 - strategic documents
 - results of researches and analyses
 - case studies

Legal framework

Previous constitutions of Federal Republic of Yugoslavia that was on the force during State Union of Serbia and Montenegro (2003/06) didn't guarantee the right to appeal to international institutions in cases of violations of human rights. At that period Federal State protected human rights by "*securing judicial and constitutional protection of human rights*" (article 77 par. 1). In the mentioned period (2003/06) protection of human and minority rights was under the jurisdiction of the State Union. Human and minority rights were under the jurisdiction of the Federal Ministry for Human and Minority rights and in its frame Council of Ministries.

The rights of national minority members were arranged under the special law. **Law on the Protection of Rights and Freedoms of National Minorities** that was adopted on the level of FRY on February 27th 2001, respecting international and especially European standards for national minority rights. Each federal unit prepared and arranged this Law with additional regulations that precise its implementation and make solutions more concrete. Nevertheless, special law on national minority rights

don't exist in the Republic of Serbia. Area of minority rights is arranged with different laws so the rights in relations to education are arranged through laws on education, the right to official usage of native language is arranged by the Law on Official Use of Spoken and Writing Language, than rights regarding information sharing are inside the Law on Information.

Charter on Human and Minority Rights and Civil Freedoms 2003, in the Article no. 3 prohibits *„any direct or indirect discrimination based on any grounds, particularly on race, colour, sex, national origin, social origin, birth or other status, religion, political or other opinion, property status, culture, language, age or mental or physical handicap“*. It is important to mention that this article further allows *„temporary introduction of special measures required for realization of equality, necessary protection and progress of persons or groups of persons who are in an unequal position shall be allowed for the purpose of enabling them full enjoyment of human rights under equal terms“*.

In judicial practice we find examples that arrested and/ or accused do not understand language of the interrogation or a trial, what is arranged by the Article 16 of **the Charter** emphasizing that *„the defendant shall have the right to assistance of an interpreter if he cannot understand or speak the language used in court“*. Regarding Romany language there are several problems: it not still codified language, many dialects inside the language and absence of Roma court interpreters. The problem of absence of Roma court interpreters was put on the political agenda after last elections when each of two Roma political parties (“Roma Party” and “Roma Union of Serbia”) received one seat in the parliament.

In the Section III „The rights of members of national minorities“, Article 49 *„guarantees equality before the law and equal legal protection“*, for members of national minorities. It clearly prohibits *„any discrimination on ground of affiliation with a national minority“*. It also determines what shall not be discrimination *„the regulations, measures and actions aimed at granting constitutional rights to unequal national minorities in order to ensure their full and equal exercise of human rights“*.

Law on Local Self-Government² allows forming of Councils for interethnic relations in ethnically mixed municipalities which basic jurisdiction is to achieve protection and promotion of national equality in local communities, but also to institute legal proceedings before the Constitutional Court requesting a sentencing constitutionality and legality of a decision or other general act of the municipal assembly, should it be deemed that *„they directly violate the rights of national and ethnic communities“* (article 63).

² Official Gazette of the Republic of Serbia, no.9/2002, no.33/2004, no.135/2004

Ministry for Human and Minority Rights in the frame of the project „Support of Roma“, OSCE Serbia, in 2005 have started activities of introducing Coordinators for Roma issues in municipality. In the first cycle 12 municipalities joined to realization of the activity and 8 accesses later. Sustainability of the project was the systematization of an official position for Coordinator for Roma issues. From 20 coordinators only 3 of them were women, what makes 15%. From 20 municipalities only 10 provided systematization of this position and 2 of them are women.

Ministry for Human and Minority Rights in cooperation with City of Belgrade and in the frame of the OSCE Serbia project „Support of Roma“ in March 2005 had invited 120 municipalities in Serbia on promotion of national Action Plans for Roma under the Decade of Roma Inclusion. Only 40 municipalities participated in the even what makes 33%. So far only 20 municipalities had initiated development of local Action plans. Ministry for Infrastructure, in mid of 2007, invited municipalities to a public tender for legalization of Roma settlements. Ministry estimated that it can cover development of urban planning documents and provided financial support for 20 municipalities for legalization of Roma settlements. So far, only 14 municipalities submitted their applications- 8 municipalities received projects and 7 are still in the procedures.

Institution of Municipal Ombudsman

Law on Local Self-Government enables establishment of ombudsman on the level of local self-government. Institution of ombudsman established by decision of appointment and it concretely defines jurisdiction, permissions, procedures and acts of decision making. However, decisions on appointment of the ombudsman show significant differences so far, so it is not possible to speak about general model of ombudsman on this territory. Ombudsman office had started with its work on October 1st 2004 based on the decision of the President of the Republic of Serbia and it deals with operative, expert, analytical and advisory issues. Work of Peoples office is imagined as a direct, feedback communication between the President and citizens trough which the trust of citizen into State institutions would be retrieved. Beside People office so far we have 46 offices and ombudsmen who are appointed with the goal to protect the citizens' rights and to enable them easier communication in their environments. In achieving more efficient work of the Peoples office so far are opened offices and appointed ombudsmen in: Smederevo, Sremska Mitrovica, Bačka Topola, Kovačica, Batočina, Pančevo, Sombor, Zrenjanin, Šabac, Paraćin, Arilje, Lebane, Vladičin Han, Vlasotince, Prokuplje, Krupanj, Bač, Čičevac, Golubac, Sečanj, Bor, Majdanpek, Topola, Boljevac, in Nis municipalities- Medijana and Palilula, Pećinci, Knjaževc, Trgovište, Ražanj, Dimitrovgrad, Zajecar, Prijepolje,

Sjenica, Medvedja, Lajkovac, Čoka, Veliko Gradište, Kladovo, Svrlijig, Babušnica, Titel and Rača.

Law on Civil Defender (Ombudsman) from 2005 established the Republic's ombudsman. In its Article 5 defines jurisdiction of civil lawyer that is established for „*protection of human rights and freedoms*“ not mentioning specifically minority rights and women's rights. This institution is significant and influential in societies with longer democratic tradition and specific of its position is seen in the fact that it doesn't belong to any part of the Government (legislative, executive and judicial) but it represents new, forth part of the government. Ombudsman (or Civil Defender, People Lawyer) should be an independent and not politically based organ of the public administration whose fundamental goal is to enable protection and promotion of human but also of minority and women's rights no matter if they are regulated by national or international provisions.

However, not emphasizing the role of Civil Defender in protection of women's rights, especially of multi-discriminated marginalized groups (Roma, disabled, refugees and IDPs, foreign women) brings to the fact that from the total number of all cases that local ombudsman had dealt during 2006 only 1% is dealing with violations of women's rights. This doesn't provide a clear picture of respecting women's rights, in other word; it minimizes the level of their violations especially when talking about women from multi-discriminated marginalized groups of the population. Reason for such a situation we find in absence of promotion and neglecting of woman's aspect of human rights and in some cases unrecognition of women's rights phenomenon. In cases when rights of citizens are violated, Civil Defender can state the measures of warning, emphasizing, opinion giving, to provide suggestions and initiatives but all without any obligation for their implementation. Ombudsman is authorized to submit initiatives for legislation changes and other acts, to institute legal proceedings requesting a sentencing constitutionality and legality and also to publicly suggest dissolvent of state representative if responsible for violation of civil rights or to initiate violation of discipline against person employed in administrative organ. Mandate of the ombudsman is 5 years.

Rule book of Procedures of Electoral Assembly for National Councils Elections more precisely determines elections of National Councils compared to federal **Law on the Protection of Rights and Freedoms of National Minorities**.³ During the period of State Union Law on the Protection of Rights and Freedoms of National Minorities was implemented only by the Republic of Serbia. The most significant criticism is that it doesn't consist of any kind of sanctions in cases of its violations. Rule book and Law itself are not gender sensitive – none of the articles

³ Official Gazzete of the FRY, no.11/2002, no. 57/2002

regulates the lowest percentage of women on election lists for electors, just like it doesn't predict that among the first four candidates should be female candidate nor that in the case of candidates' changes – woman should be replaced by a woman. According to the Article 9 of this Rule book „*Electoral Assembly elects members of national councils proportionally to the size of national minority*“. National Council is elect by proportional system. That means that size of the national minority, according to the official census, plays the crucial role. If we take into account that none of the census so far gave the right picture of the Roma community size, we can conclude that this Article of the Rule book is not applicable to Roma community.

Absence of General Anti-discrimination Law

Vuk Drašković, Federal Prime Minister that that time, signed on November 22nd 2006 in Brussels Agreement on Participation of Serbia and Montenegro in 25 programmes of European Union. The first on that list was Programme against discrimination. However, the Law that regulates discrimination is not still adopted.

In the document of the European Commission from the end of 2005, beginning of 2006 on situation of the stabilization and association process with EU explicitly said that after the harmonization of Serbian Constitution and Montenegrin Constitution with, at that time, Constitution of States Union of Serbia and Montenegro, the second most relevant condition that should be realized on the process of stabilization and association with EU is adoption of general anti-discrimination law. After independence of Montenegro, Serbia dealt with its problems around the Constitution provision and with issue of tolerance. General evaluation of internationally respected human rights experts that corpus of human rights in the new Constitution is in far worse position compared to the previous. Nongovernmental organization “Coalition against discrimination” made of eight NGOs that are fighting against discrimination, in June 2006 worked and improved the text of the model of the Law that is circulating in the public scene from 2001. That is the model of the Law of the Institute for Comparative Law. After several months Government of the Republic of Serbia with assistance of the European Agency for Reconstruction and UNDP Serbia, formed the working groups for development of the model of the anti-discrimination law absolutely ignoring those who had been working on this issue for many years. None of the experts that dealt with this problem was involved in the working group. This working group made the new text of the Law leaving out part that defines discrimination in certain spheres of public life. Also it is noticed that in the new draft there is no clear determination of what discrimination is towards certain most frequently discriminated persons such as discrimination base of gender and sexual orientation. This draft of the General Anti-discrimination Law is not submitted to the Parliament for adoption. Necessity for its adoption was emphasized by provincial and republic ombudsmen who concluded that Serbia needs general anti-

discrimination law and than also a series of acts regarding protection of human rights. Petar Teofilović, provincial ombudsman, gave the opinion that „especially painful issue” is implementation of the Law reminding that it is very common thing that some laws are adopted and than they are implemented with limited force or not implemented at all. Saša Janković, Republic Ombudsman said that institution of the Republic Ombudsman, beside education of citizens on the role of this institutions, will especially insist on education of employed in public administration and executive government on issues of their obligations towards ombudsman. Janković and Teofilović both pointed that government officials are not yet aware that ombudsmen have the right to suggest certain law and laws changes. Republic ombudsman Janković emphasized that Parliament of Serbia still didn't adopt the Law on Minority National Councils Elections even for many of them their mandates expired.

Constitution of the Republic of Serbia

Adoption of the Constitution of the R Serbia in 2006 had divided the Serbian public. Most of the public, Vojvodina, Belgrade and surrounding area and Central Serbia, consider that the Constitution is adopted undemocratically and that it is the first legal act adopted in the Parliament without any parliamentary debate, meaning that national representatives were not allowed to say anything against this legal act. Media presented comments such as “that with this Constitution we have lower the level of protection of human rights”. Representatives of National Councils were invited on the public debate and that they didn't receive the text of the Constitution prior to that even. Public debate didn't last long only pointing existence of the articles 14, 15, 21, 32, 49, 68, 77, 79,180 and 199 that are concerning the issue of protection of national minorities without reviewing any other provision of the document. Also, public debate looked more like promotion of the already adopted Constitution and debate on the possible status of Kosovo, than asking for opinions from the representatives of national minorities in Serbia. While protection of national minorities is guaranteed by special sections and articles only one article is dedicated to the gender equality- article 15: *The State shall guarantee the equality of women and men and develop equal opportunities policy.*

Law on basis of education and upbringing in its Article3, point 5 predicts

5) development of awareness on state and national belonging, cherishing of tradition and culture; and in the article 11:

11) developing among children ethnical and religious tolerance, development of trust among children and pupils and preventing all behavior that violate accomplishment of right to diversity;

With article 4 of the same Law to everybody are guaranteed *“the right to education and upbringing regardless to gender, race, national, religious and linguistic belonging, age, physical and psychological constitution, social and cultural origin, economical status, political affiliations or other related characteristic”*. Also this Law prohibits discrimination in the Article 46 which defines term of discrimination of child (pupil). Article 57 regulates participation of parents in school activities and activities of other educational institutions by establishing Parental Councils. It is alarming that in such bodies there are not Roma parents except in schools where Roma children make 90% of pupils.

Article 90 of the **Law on basis of education and upbringing** regulates enrolment process into elementary school: *“Local self-government unit is recording and informing school and parents on children that have reached an age for enrolment and on children that are enrolled into school”*. According to the almost ten years of experience of BIBIJA-Roma Women’s Center this article of the Law is implemented rarely and sporadically. On the territory of Belgrade there are 154 Roma settlements, mostly located on the outskirts of the town, no infrastructure or without access to relevant information. In municipalities, schools, Centers for Social Work there are no evidence that includes inhabitants of illegal Roma settlements. Representatives of local self-government units do not visit Roma settlements aiming to record data on children aged to start education and to inform parents on testing the future first grade pupils. That is why most of the parents do not have timely information on procedures for enrolment of children into school. Having in mind that attendance of pre-school education from the school year 2007/08 is obligatory and basic condition for enrolment of children into schools and that in pre-schools institutions there are almost no Roma children, there is reasonable doubt that less Roma children will be enrolled into the first grade.

The problem that children internally displaced from Kosovo, than returnees in accordance to Readmission Agreement and those who are belonging to the group of persons without citizenship are facing, is regulated by the Article 92 that guarantees the right to enrolment to foreign citizens and persons without citizenship. In the practice this Article is not respected and not possessing documents, among which citizenship is the basic, often, is the reason for inability to enrol into elementary school.

Article no. 94 of the Law regulated the content of the school books for elementary education. Analyses of school books for elementary education conducted by the Voice of Difference in 2004, warns about serotype image of a woman, family, role of women that is reduced to the role of wife, mother and housewife, than approval of violence against of women and stereotype image of Roma and Roma way of life and tradition.

Labour Law⁴, in article 18 specifically prohibits discrimination: „*Both direct and indirect discriminations are prohibited against persons seeking employment and employees in respect to their sex, origin, language, race, colour of skin, age, pregnancy, health status or disability, nationality, religion, marital status, familial commitments, sexual orientation, political or other belief, social background, financial status, membership in political organizations, trade unions or any other personal quality*”. However, there are not sanctions for those committing discriminatory practices.

Comments on the implementation of the FCNM

Article 3

1. *A person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*

The term „national minority” is defined by the **Law on the Protection of Rights and Freedoms of National Minorities** as individual that is “*belonging to an autochthonous group of the population with the lasting and firm connections with the Federal republic of Yugoslavia and possessing some distinctive features, such as language, national or ethnic belonging, origin or religion, upon which it differs from the majority of the population and its members should show their concern over preservation of their common identity, including culture, tradition, language and religion*”. However, none of the national minority on its territory is mentioned by its name, what would represent official acceptance of its existence. The first part of the definition on the national minority says on characteristics like a language. This can be controversial issue regarding Roma community in Serbia because Romany language is not still codified. Further more, Roma are divided into Catholic (so called “Hungarian Roma”) mostly situated on the territory of Vojvodina, than Orthodox Roma (“Serbian Roma” or “Rumanian Roma”) in central and eastern Serbia and Roma of Muslim religion located in the south of Serbia, as also internally displaced from Kosovo and Metohia. Those three groups differ by its customs, attitudes, housing conditions, income generation and food.

Declaration during the census and analyses of those data are clear example of the implementation of this Article of the Convention. We will mention so many time said attitude of the civil sector on at least 4 times higher number of Roma community members compared to official. Question is what the reason for such disproportion is.

⁴ Official gazette of the Republic of Serbia, no. 24, 2005

One of the reasons highly mentioned in the Roma community itself is that is the current social context there is a problem of self-identification, especially of those members of the community who live outside Roma settlements. Socially “desirable” assimilation or simply the need to be a part of the majority brought to the situation that a certain number of Roma are declaring themselves as members of majority. However, far more usual is social violent assimilation. Reasons for mimicry are: during the education there is a need to belong majority in order to avoid differences, than the most characteristic situation in the employment process, rooted prejudices towards Roma brought them to the situation to avoid declaration, than some families or even whole groups of Roma speak the language of the dominant local group (mostly Serbian), than need to be accepted and feeling of embarrassment for belonging to the marginalized, mostly poor group. Also, certain number of children from mixed marriages is not declaring themselves as Roma. However, this cannot be the real reason for such a great difference in estimations of the population number. Since this access, meaning practicing most of the rights on national and local levels depends on the percentage of representation of the population, we are concluding that Roma community has no access or has reduced influence on practicing certain rights because according to the official census they make only 1.44% of the total country population.

State agencies responsible for gathering demography data are: Statistical Office of the Republic of Serbia, Belgrade, at the time of the State Union Federal Statistical Office, Belgrade. Statistical Office conducts population census that are the basic source of information on population statistics. Some municipalities have population registers but they have only information on number of inhabitants of the municipalities (changes in number of inhabitants, migrations to or from, birth and mortality rates and marriages-divorces rates).

Article 3

2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Practicing individual and collective rights is differing by their forms of practicing and by their results. With this paragraph collective and individual rights are equalled. If we apply this paragraph for example to the right to education on native language, we have the situation that individual cannot use this right even if he expresses the wish. In order to practice the right to education on native language we need community with others, meaning a school with a lot of Roma children. Following this logic in recent years we are having schools where 70% of pupils are of Roma origin.

Elementary school “Kameni” in Belgrade has almost 85% of Roma pupils and beside standard program on Serbian language they have classes on Romany language and also additional learning of the Serbian language that is not a native language for majority of children. In municipalities where is a larger percentage of Roma, for example, in Nis there are elementary schools with almost 90% of Roma children and lessons are developed on native language, Romany language. Unfortunately, Ministry of Education is not recording this trend and there are no official data on this issue. In Serbia there is no school with 15% of Roma children where Roma assistant is engaged and where it is possible to find the subject of Romany language with elements of national culture. Only 26 school in Serbia joined initiative of introducing Roma assistant in the classes, all of them those who have much more than 15% of Roma pupils. This means that if there are Roma in a certain municipality than their children are enrolling only into one school which in several years will have 80% of Roma pupils. Also local self-government is debating on introducing Roma assistants meaning, introducing Romany language with element of national culture. This is presented to the public as education on native language for national minorities. So, interpretation of this paragraph of the Convention, when priority is given to collective rights, brought to segregation of Roma children.

Section II

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

Several laws⁵ and the Constitutions itself⁶ prohibit any kind of discrimination. Gaining the status of national minority by the Law on Protection of Rights and Freedoms of National Minorities (2002) Roma gained bases for protection from discrimination in front of law that is the most frequent and the most repressive than other discriminatory situations. However, without sanctions for those performing discrimination the Law on the Protection of Rights and Freedoms of National Minorities has a weak or no influence at all. Members of Roma community are, beside discriminated on national grounds, often discriminated on gender bases. Roma women are exposed to so called „double discrimination” which is not mentioned in this Article. For so many years of experience BIBIJA-Roma Women’s Center recorded hundreds of cases of double discrimination by the police and courts. Women are traditionally subordinated group, vulnerable and discriminated by the

⁵ Law on the Protection of Rights and Freedoms of National Minorities: article 3; Labor Law: articles 18,19,20; Law on basis of education and upbringing, article 46

⁶ Constitution of the RS (2006), article 21

society. Roma women who are considered to be the most powerless social group in the Serbian society are an easy target. The most characteristic example is a family violence – if Roma woman calls the Police when her husband abuses her (and often children too) local police usually do not react and often using insulting comments: “those are you private matter”, “those are family things and we wont meddle in it”, “what is the use to come when you will return to him in couple of days” and at the end the most insulting and the most usual comment “those are you Gypsy problems”. Even those the Criminal Law of the Republic of Serbia and Family Law prohibits family violence and obligated official institutions to react only by the report of neighbours who live near Roma settlements Police intervenes but mostly because of the disturb of a public order and peace. Further, this paragraph mention members of national minorities but it doesn’t precisely determines whether they are citizens of the signatory state. Significant number of Roma community members doesn’t have permanent residence or official documents (identification card, citizenship of the R of Serbia). Majority of this significant number of persons without personal documents make women (BIBIJA estimates 65%): women older than 60, women born on Kosovo and Metohia, some women were never recorded into birth books especially in rural areas and also in Kosovo and Metohia, than here we are recording women who are born in other ex-YU Republics they got married in Serbia after the disintegration of SFRY and they didn’t change their addresses since they live in illegal settlement in Serbia. It is not clear whether they are (male and female) are protected by this article. Especially if we take into account the Constitution of the Republic of Serbia and many laws that are emphasizing the “citizen’s rights”. Such status predicts citizenship and permanent residence. We are emphasizing that still the largest problem of Roma community is inability to access to personal documents because of not being registered at birth or not having a residence. Also returnees according to Readmission Agreement⁷ are facing the same problem – those who are born in West European countries and parents (or one parent) are citizens of the SFRY and even they don’t have the citizenship of the country in which they were born at the moment of deportation. This is the case when it is necessary to conduct later registration for citizenship what is again impossible without permanent residence that those people don’t have because they had never lived in Serbia.

Article 4

2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

⁷ Estimation is that from the West European countries at least 45 000-50 000 Roma should be returned into Serbia.

National Employment Agency in 2006 had started the action of self-employment by distributing credits under the most favourable conditions. In the sense of awarding points, advantage (additional points) had Roma, disabled and women. However, one of the conditions for gaining those credits was possessing of a certain real-estate. Since a significant number of Roma live in illegal settlements – they couldn't access to this, generally positive measure of strengthening economical power of Roma population, especially of women. Here we are questioning, if those measures are not accessible for the most endangered among endangered, for whom they are.

The larger support have cultural manifestation, concerts, review of cultural achievements, what are positive actions. However, culture is practically the only area that is supported by the State. With such attitude the State, consciously or not, supports all sort of stereotypes that Roma are only "musician, singers and dancers" and that they are dealing with "joyful things" and that "they are one very happy nation". This image lives for centuries not only in Serbia but also in the Europe.

Improvement of economical status surely is represented by "Public Works" where the State demands that among employed workers in public works there should be at least 30% of Roma. Public works involves the least paid jobs in the area of construction works in which only can man participate. That means that 30% are man working on the lowest pay check (monthly amount around 100€). Women, economically the most endangered, do not have a chance to strengthen their position in the society and in the family.

Ministry for Culture of the Republic of Serbia has yearly tenders trough which financially supports national minority cultural projects. The only female magazine for Roma women into Romany language in Serbia "Rromnjaki zor-Snaga žene" (Woman's Power) stopped publishing in 2005, after 12 numbers printed of which only half were supported by the ministry for Culture. From 2005 that Ministry trough National Council of Roma National minority financially supports Roma monthly magazine „Romano nevipe“ that according to recommendation of the Ministry should have women's magazine inside. However, this is only a small part of the magazine and usually dedicated to women's reproductive health. Generally speaking, we think that lack of published magazines and newspapers that would be affordable to Roma women on their native language and which would be also dealing with specific topics related to Roma women's life.

Discrimination and segregation of male and female Roma is a fact that they are facing on every step in everyday life. Discriminatory situations became so frequent that practically make integral part of Roma life. BIBIJA-Roma Women`s Center records that at least 75% of Roma women had suffered at least once discrimination by doctors and medical staff during their life. Mostly it is the indirect

discrimination. Indirect discrimination means: refusals to provide urgent medical help without explanation, comments made by doctors and medical staff on life style of Roma, high birth rate, frequent pregnancies, under-aged marriages and similar. Frequently, members of Roma population are left to be the last treated patients. Pregnant Roma women and women who gave birth also have examples of indirect discrimination, mostly verbal.

Even 95% of women who were beneficiaries of BIBIJA from Belgrade in the last 9 years said that they were insulted on national and religious background in the public transportation. Most of them (80%) didn't characterized this situation as discrimination, nor knew that it is prohibited to initiated and support religious or national hatred. It is also alarming that Roma hardly, almost ever decide to report discrimination that they suffer. We are especially emphasizing that none of the women itself didn't report discriminatory practice to the institution in charge. For example, patients' rights defender in Primary Health care Institutions had never received any complaints from members of Roma nationality.

Social distance that exists for decades towards Roma is ranging from verbal abuse to actions that culminated with burning their houses or whole settlements. The most frequent attacks on Roma settlements were during the March violence 2004 in Kosovo. This brought to series of incidents in Nis and Belgrade. Social distance also varies by religious background: it is larger towards Muslim Roma and Muslim Roma who are internally displaced from Kosovo and Metohia. We are recoding that in Belgrade and Central Serbia distance is lees towards Orthodox Roma.

Cases of violations

City Traffic Administration of Novi Sad put on force on July 3rd 2007 the regulation on determining regime of traffic of animal-drawn vehicle. With this regulation traffic of animal-drawn vehicle is prohibited on all approaching roads to Novi Sad and in the town. This regulation was demanded by the City's Major after, as stated in media, many complaints of citizens. Police implemented certain steps complementary with this regulation but it drawn very tempestuous reaction of animal-drawn vehicles owners, mostly members of Roma nationality who live in the Roma settlement Veliki rit and who with such vehicles collect secondary goods in order to enable their families minimal existence.

Article 4

3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

The Law on the Protection of Rights and Freedoms of National Minorities⁸ predicts measures of affirmative actions emphasizing that implementation of such measures is not considered as discrimination. On the other hand, the Constitution of the Republic of Serbia (2006), article 21 says: „*Special measures which the Republic of Serbia may introduce to achieve full equality of individuals or group of individuals in a substantially unequal position compared to other citizens shall not be deemed discrimination*”. Further more, in the section on health protection, article 76 of the Constitution says: “*Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavorable living conditions which particularly affect them.*”

However, in public, and before all in media, affirmative measures are not represented as measures guaranteed by the Constitution and by laws, but as a act of good will to socially marginalized group. Further more, it is not clearly presented to the public and to employed in institutions (especially in the area of education) that affirmative measures are not endangering general population. Such clarification lacks in articles of the Constitution and in several law that contain affirmative measures. In recent years Agency for Human and Minority Rights (ex Ministry) of the Government of the Republic of Serbia is implementing affirmative action of enrolment of high-school pupils and students into wished high schools and faculties. With such measures in the school year 2007/08 total of 185 high-school children and 107 students enrolled to adequate educational facilities, but still not without a certain resistance from directors of high schools and faculties deans.

Positive example represents statement of the Minister of health Tomica Milosavljević from August 2007 on employment of marginalized groups in the health care sector that provoked huge discussion in the public. Minister of health Tomica Milosavljević stated that in the case when two candidates for the same position in health care sector have the same number of points preference will be given to the person of Roma nationality or to the person with disability. Syndicate of doctors and pharmacists of Serbia think that such statement represents discrimination and that it violated constitutional human right to work. However, Cvetko Jelinek from the Syndicate of doctors and pharmacists of Serbia claims that public announcement is the official attitude of the executive board of the Syndicate: „*Syndicated of doctors and pharmacists of Serbia consider that statement of the Minister Milosavljević is not adequate and there are other ways for correction of social injustice if such exists. This way of public presentation according to our opinion is not fair. Such a statement means to favour someone and that is according to our opinion inadequate*“ (Minister’s statement published in the newspaper “Blic”, August 28th 2007) .

⁸ Law on Protection of Rights and Freedoms of National Minorities, 2002, article 4

Article 5

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*

The Constitution of the RS from 2006 in the article 79 calls on preservation of specificity, than the Law on Local Self-government in Article 18, point 28) says: „ensure protection and realization of personal and collective rights of national minorities and ethnic groups“, the Law on the Protection of Right and Freedoms of National Minorities, section „the Right to preserve culture and traditions in Article 12 guarantees: „For the purpose of protection and promotion of cultural specificity, persons belonging to national minorities have the right to establish specific cultural, artistic, scientific institutions, societies and associations in all areas of cultural and artistic life. Institutions, societies and associations from the preceding paragraph are independent in their activities. The State will participate in financial support of those societies and associations according to its financial capabilities”.

However, there is no a single institution supported by the State and that it is dealing concretely with improvement of culture, language or scientific accomplishment of members of Roma community and where Roma are employed. These areas are covered by different NGOs, than individuals (Roma and non-Roma) from public and cultural life, but all that is on the level of project limited by duration and supported by different foreign donors. Associations of Roma that are dealing with culture and education exist in each town in Serbia and they are operating as nongovernmental organizations, supported trough projects of international donors. Those associations mostly don't have permanent offices and permanent source of incomes. Most of them even don't have a computer. Their work is mostly reduced to distribution of humanitarian aid to inhabitants of Roma settlements. Most serious effort made by the State to preserve Roma culture in continuity, after the traditional Festival of Roma Achievements (1997) practically is not made. In the last 15 years kindergarten and pre-schools facilities were widely spread project that was realized by building the object in Roma settlement, employment of teachers mostly Roma women to work with children. Those building were known as “Roma kindergartens”. They were attended only by Roma children from neighbouring Roma settlements. On one hand, it enabled socialization of those children and also preparation for elementary education and it showed great results. On the other hand, those really were “Roma kindergartens” isolated from other, socialized among each other but not with other children.

In recent years, mostly with the beginning of the Decade of Roma (2005) and adoption of the Action Plan for Education, foreign donors for programmes of children education retrieved, and since pre-school education is obligatory from the school year 20007/08 „Roma kindergartens“ are closing while parents and children are forced to go to regular State’s kindergartens where they are „traditionally“ discriminatory welcomed and treated. The issue of location is also becoming relevant since State kindergartens are mostly far away from Roma settlements.

Roma women’s scene, in other words, respect of women’s human rights of Roma women is entirely dependable on foreign donors. Nongovernmental organizations that are dealing with promotion and protection of Roma women’s rights only in the last two years (2006, 2007) achieved a certain influence participating in the creation of several national strategy documents of which most of them are still on the drafting level or in other words, not adopted by the Serbian Parliament: Strategy for Integration and Giving New Permissions to Roma, Action Plan of the Decade „Specific Position of Women” and also National Plan of Action for Improvement of Women’s Position in Serbia. However, initiatives for drafting those documents mostly are supported by foreign donors UNDP, OSCE, UNHCR, EAR etc., what is the surely the only reason for inviting women’s nongovernmental organizations to participate in their development. So far, NGOs participated in process of creation of local and national politics only if such activity was supported by international organizations or government of European countries.

Article 5

2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

The Law on the Protection of Rights and Freedoms of National Minorities

in the article 5, point 3 contains prohibition of taking measures and acts that are resulting with violent assimilation of members of national minorities.

Direct and open politics that promoted assimilation does not exist. However, the fact that official census is inadequately presenting size of the national community points to that conclusion that one part of its members declared themselves as members of majority, e.g. assimilated on the bases of free will. If we take into account the fact of discriminatory practices that are following Roma from educational facilities to employment opportunities even “free will” assimilation is hiding a violent act in administrative sense.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

Spirit of tolerance, generally towards diversity, it very difficult to awake in the last 15 years in the Serbian society. Several incidents like:

- attacks on and burning of mosques in Belgrade and Nis in March 2004 (as a reaction to Albanians violence on Kosovo);
- frequent attacks on Roma settlements: only in the first half of the year 2006, the Police in the municipality Zemun recorded 15 attacks with the result of 2 dead and 7 injured;
- discriminatory graffiti that invite to the violence, lynching and extermination. Building of the Cultural Center REX in Belgrade that frequently organizes cultural events that promote minority cultures (Jewish and Romany) almost constantly is covered with anti-Semitic and discriminatory graffiti. Such messages often can be find on building of elementary schools where percentage of Roma pupils is high (elementary schools: „Vuk Karadžić”, Niš, „Milan Rakić”, Belgrade, „Branko Pešić”, Belgrade and many more).

Mutual cooperation without regard to ethnical, cultural and religious identity would include integration in the society, what is not possible to say for many of Roma settlements. From 600 Roma settlements in Serbia most of them are illegal, without electricity, running water or sewage. Lands on which they were built and organized, some even 40 years ago, used to be garbage dumps, they have underground waters and humidity is high. Houses are built out of cardboards, sheet metal, rarely there is a solid construction materials. According to the Roma Decade Action Plan for Housing legalization of Roma settlements is one of the priorities. However, relevant Ministry in which jurisdiction is that issue, Ministry for Infrastructure, in 2007 had formed just a working group for realization of this Action Plan.

In the area of education, starting several performs Ministry of health had maid content of educational planes and programmes for elementary and secondary schools. However, traditionalistic and patriarchal spirit still is coming out from the school-books. In elementary schools in reading books for Serbian languages poems and stories of national literature support prejudices towards Roma way of living, trades, regularly using the term „Gipsy”. Especially intolerant is attitude towards women who are compared to snakes and poison. Neither in elementary nor

secondary schools there are no a single Roma male or female writer or a poet. School book for history classes for the VIII grade mention only one woman.⁹

Employment of Roma men and women is generally linked to the education. Low educational level determines low chances for employment. Percentage of Roma engaged on the lowest paid jobs is almost 100% (City garbage Disposal Company „Gradska čistoća” or construction works). Discrimination in employment process discourages young, educated Roma girls and boys. The project implemented in 2007 by the Belgrade City’s Assembly with the goal of raising capacities of young persons from socially endangered groups, gathered around 30 Roma girls who had finished hairdressing course. Beside theoretical lectures this course predicts practical work that is conducted in hairdressing saloons. Project implementation team encounter the problem because none of the hairdressing saloons didn’t accept Roma woman to practice by giving explanation that „customers don’t want Roma girls to wash their hair” and similar. With the same problem encountered beneficiaries of BIBIJA-Roma Women`s Center`s programmes of economical empowerment of Roma women. At the beginning of 90s with the trend of surplus manpower and mass job dismissions, the first persons in those lines were socially vulnerable groups: Roma and women. Difficult economical situation for the past 15 years had made a lot of Roma families to leave the country searching for better life in Western Europe. Today, they are returning or deported according to Readmission Agreement to misery and poverty from which they run before, but also having additional problems with their efforts to integrate into the society.

Media into Romany language from the 2000 to these days lived their raising moment and their fall. While after democratic changes radio and TV stations into Romany language were formed, today in 2007 in Belgrade with at least 60.000 Roma men and women their is no a single media into Romany language. From two TV stations that operated into Romany language none did receive frequency from the Republic Broadcasting Agency. In Nis that is also the town with high percentage of Roma population only one RTV station is struggling for broadcasting („Nišava”) with minimal support of the City`s Assembly. On the regional frequency of the territory of Vojvodina RTV Vojvodina (that is not operating under the RTV Serbia anymore) on its TV programme there is 15 minutes daily news bulletin into Romany language, than 30 minutes educational show in Romany language and one-hour show of various content. On the national RTV Serbia there is TV show into Romany language, Radio Belgrade brings 30 minutes daily news bulletin into Romany on its first programme and one-hour radio show on the frequency of Association of the Radio Stations of Serbia during unpopular time on Sunday from 06.00 – 7.00 h.

⁹ “Gender Equality in School: Manual for Teachers”, B.Brancovic and T. Ignjatovic, internal research for teachers attending seminar under the project “School for Equality”, 2004

Cases of violations

Protects of the majority population against the temporary decision of the Belgrade City's Assembly to settle Roma in the containers in their neighbourhood were recorder in 2003 in Belgrade's settlement in Zemun polje. Inhabitants of the Zemun polje were protesting for a long time and postponed the settlement of Roma.

The other incident according to the almost the same script, happened three years later in New Belgrade in the settlement Blok 45 when Belgrade's Government tried to move there Roma from the „wild” Roma settlement under the Gazela bridge. Officials from the City's Government had been trying for the past three time (2006, 2007) to solve the problem of this unsanitary settlements where 250 Roma people are living, mostly being internally displaced from Kosovo. Efforts to move those Roma to Blok 45 in New Belgrade failed because of the severe reaction of inhabitants of that Blok who didn't want to accept their new neighbours. Protests against settling Roma on this New Belgrade's territory lasted for several weeks. City officials strongly pressured by international community and by representatives of international organizations decided to move Roma until the end of 2007 into five-six different locations in Belgrade.

Representative of the Democratic Party of Serbia (DPS), Marko Jakšić, using the language of classical racism, at the beginning of the October insulted Roma from the Parliamentary speaker's platform and president of the Serbian Parliament, Oliver Dulić was forced to end the session and after consulting with chief of party groups to give him a warning. Miloš Aligrudić, chief of the party group of DPS dissociated from the Jakšić statement. During the break Jakšić was surprised with journalist question whether he is expecting a punishment from his party .”Why? I didn't insult anyone on racial grounds?!”.

Article 6

2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

One of the most relevant civil society organization in Serbia that is primarily recording cases of violation of Roma rights, Minority Rights Center in Belgrade, is warning that Roma are „victims of discrimination, illegal police acts, violence by skinheads and other persons“. According to the Minority Rights Center research position of Roma practically hasn't change compared to regime of Slobodan

Milošević. During 2004 this nongovernmental organization researched 121 case of illegal police acts, skinheads' violence and violence of other individuals and cases of discrimination. During the first three months of 2005, Minority Rights Center investigated 46 of those cases. According to BIBIJA-Roma Women's Center records during one month (march2006) there were 5 organized attacks on the Roma settlement Bački Ilovnik in Belgrade's municipality Zemun. The Police reacted only after the third attack, more precisely when settlement inhabitants had organized night watch. Insults on national bases are very common, especially in the public transportation, at the doctor's office and in public places. Media minimize such incidents if reporting about them. Mostly they are silent. Victims rarely bring charges and the Police (obligated to bring charges) even more rarely.

Cases of violations

08 May 2007

In the Roma settlement "Dudara" in Zrenjanin on May 07th 2007 during the night, over the wall of the nearby cemetery six young men tried to attack. Inhabitants of the settlement claim that they were Nazi-skinheads and that they threatened them with violence. "They didn't entered the settlement only because we had quickly organized ourselves and prevented them to jump over the wall and attack us", said Afuz Ametov whose house is one of the nearest to the wall. The Police confirmed that event happened but they didn't give any official information. According to the claims of "Dudara" inhabitants the Police warn them for several times about possible attack. Spokesman of the Zrenjanin Police department Željko Štrbac confirmed that police patrols came to „Dudara” several times for preventive estimation of security, but he denied that police officers warned Roma on possible attacks. Štrbac also confirmed that police patrol came twice later last night based on the call from „Dudara”and that one patrol car stayed there until morning. Children from the settlement didn't went to school just like several permanently employed inhabitants didn't went to work. In the name of all 350 inhabitants of the settlement made of improvised and unsecured houses, Afuz Ametov said that they are feeling unsafe and that the State must find a solve the issue of their security and at the same time to improve their living conditions.

04 July 2007

Thirty young boys armed with bars and rocks attacked on July 2007 inhabitants of the Roma settlement in Padinska Skela. During the attack one pregnant woman Z.R. (27) was lightly injured when one rock hit her in a leg. Several windows were broken and one car was damaged. Roma stated that there were several smaller attacks during the day but they don't know that is the reason for such

aggression. Attackers run before Police patrol car came, but according to unofficial information they know who several attackers were.

06 August 2007

Roma girl C.K. who was lightly injured on August 04th 2007 in the incident on a flee market in Pancevo, near Belgrade, was dismissed to a house treatment. Dušan Stojić, deputy director of the Health Center South Banat, stated that the girl was examined and that she had injuries of the lungs, thigh, back and had several scratches. According to his words and as recorded, ultrasound and X-ray were conducted and the girl was examined by neurologist, surgeon, orthopaedist and radiologist.

“Roma Party” protested because of the incident in which the car hit the counter and seriously injured the girl C.K. In the official statement of this Party it is said that prior to the impact of the car into the counter, in front of around 50 eye witnesses, communal inspector Grujica Šaponjić shouted: „Run over Gypsies, run over counters”. “Roma Party” demands from city officials to investigate all circumstances of this event and in accordance to that to give legally adequate punishments. Spokesmen of the Pancevo police department, Tanja Dakić, confirmed that the Police in Pancevo questioned several eye witnesses of the yesterday’s incident and that official note was done.

22 August 2007

Inhabitants of the Roma settlement that live near New Belgrade’s flee market for more than a week was targeted by the unknown attackers. They said that they were seriously endangered and worried for their and their children’s lives, so they organized night watch. However, beside that one, several more settlements were targeted on the territory of New Belgrade. In the night between August 20th and 21st 2007, on an one of the houses in that same Roma settlement a Molotov cocktail was thrown. Since that event attacks are becoming regular. Groups of several attackers are entering the settlements and threaten their inhabitants. The most frequent targets are settlements in Blok 61, street Marija Bursać in New Belgrade, settlements in Borca and settlement near New Belgrade’s flee market. In the last week of the August 2007 eight attacks on Roma families were recorded.

Director of the Roma NGO „Minority Rights Center” (MRC), Petar Antić accompanied by other Roma tried to enter the river-club "Acapulco" for several times in 2003 but it was rejected with an explanation that they need membership or reservation. That is why he decided to organize the discrimination testing in which he personally participated. Aiming to raise the consciousness regarding this problem MRC invited Fund for Humanitarian Right and several journalists. Roma were rejected because they didn’t have reservations, while other testing participants were

allowed to enter the river-club not even being asked if they had a reservation. Minority Rights Center, Fund for Humanitarian Rights, European Center for Roma Rights (ERRC) from Budapest submitted charge against the owner of „Acapulco” river-club where they asked compensation of non-material damage for personal offence. The charge demanded public apology and termination of the discrimination.

The Fourth Municipal Court in Belgrade based on the criminal charge ruled in the favour of the Minority Rights Center. This verdict, as the example of good practice, gives a support to Roma to achieve their rights when being discriminated and when their rights are denied not only in clubs but also in the employment process, in public services and against Police torture.

On the house in Vidovdanska street in Užice, in October 2007, house that Užice Municipality gave to socially endangered families to use, appeared the text of the Fascistic connotation- parole “Death to Roma” and swastika cross. Among ten families who found a roof over their heads in this house, which was stoned the same night when the sign appeared, is also a Roma family of Stojadinka Ristić to whom the message on the wall obviously was dedicated. This single mother lives in one room with her five children. Stojadinka says that the same night when the text appeared someone stoned the house too.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Relatively large number of registered Roma associations doesn't necessarily mean that Roma civil scene developed. Significant number of associations is dependable on foreign donations. Cooperation with local self-government is slightly improved by the Decade of Roma. Bunch of associations is still dealing with distribution of humanitarian aid that is almost nonexistent today.

We can say that the State didn't influence on the freedom of association, but it didn't support it. In Belgrade there is no a single Roma association to which the City of Belgrade provided an office space free of charge. Also, there is no a single Roma

women's organization supported in the same way. Similar situation is in other towns in Serbia. Nongovernmental sector is scared that with total withdrawal of foreign donors from Serbia their activities will stop. Beneficiaries of BIBIJA-Roma Women's Center says that workshops are very useful and that nobody didn't approach them earlier, not to mention socialize with them in any way. They are especially emphasizing programmes of economical strengthening as positive and very much needed.

Article 10

1. The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

The law on the Protection of Rights and Freedoms of National Minorities confirms the right to freedom of usage of national minority language in the private and public communication (article 9, 10, 11, 13, 14, 15, 16 and 17). Significant is the third party of the Law related to the right for the preservation uniqueness. However, article 9, point 2 is related only to Serbian language and also regulations on official usage of oral and written language are incomplete.

The Constitution of the Republic of Serbia (2006) in the section „The right to preservation of specificity”, article 79, more precisely determines:

“Members of national minorities shall have a right to: expression, preservation, fostering, developing and public expression of national, ethnic, cultural, religious specificity; use of their symbols in public places; use of their language and script; have proceedings also conducted in their languages before state bodies, organisations with delegated public powers, bodies of autonomous provinces and local self-government units, in areas where they make a significant majority of population; education in their languages in public institutions and institutions of autonomous provinces; founding private educational institutions; use of their name and family name in their language; traditional local names, names of streets, settlements and topographic names also written in their languages, in areas where they make a significant majority of population; complete, timely and objective information in their language, including the right to expression, receiving, sending

and exchange of information and ideas; establishing their own mass media, in accordance with the Law.”

There is no a single street in which Roma make majority or in Roma settlement which name is bilingual, on Serbian and Romany language. Since it is necessary for minority to make at least 15% of the whole population in order to gain an official usage of their language, Roma are facing the problem of territory dispersion. Even being the largest national minority according to the latest census, after Hungarians, by official census this minority is not reaching 15% anywhere. However, even in schools where additional classes into Romany language are conducted there are no bilingual signs on Romany and Serbian. **The Law on Local Self-Government** predicts in its article 63: *“In ethnically mixed municipalities, a council for inter-ethnic relations shall be formed and comprise representatives of all national and ethnic communities”*. The Law considers “ethnically mixed municipalities” municipalities with one ethnic community accounting for more than five percent of the total number of inhabitants or municipalities where all ethnic communities collectively accounting for more than ten percent, according to the last census in the Republic of Serbia. However, already mentioned Census from 2002, contested by several researches, doesn't provide in any city or municipality necessary percentage of Roma population, so there is not possible to establish councils for inter-ethnic relations. The only example of good practice in relation to this matter is municipality Prokuplje. However, it is important to mention that participation in such councils is always determined by political orientation in accordance to the party in power on a municipal level. Since that body provides protection of human and minority rights on local level in the Republic, participation of Roma community is essential. This, like many other laws in the Republic of Serbia, is not gender sensible so women's rights are not mention anywhere. Draft of the Gender Equality Law is not yet adopted. However, regardless to that Law it is necessary to raise gender sensitivity also other legal acts and to enable women, especially emphasizing women from multi-discriminated groups, to participate in local self-government decisions.

Article 10

3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

The Constitution of the Republic of Serbia (2006) in the sanction „Right to a Fair Trial“, article 32, guarantees: *„Everyone shall be guaranteed the right to free assistance of an interpreter if the person does not speak or understand the language*

officially used in the court and the right to free assistance of an interpreter if the person is blind, deaf, or dumb". However, so far court interpreters for Romany language are not recorded so far, nor the Police and/ or Courts had used Romany language interpreters. The most frequent explanation by the State is the Romany language is not codified. Commission for the Study of Life and Customs of the Roma, active under the Serbian Academy of Science and Arts, is engaged on the Romany language codification for years without any results.

Article 11

2. The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

There are not street names or any other topographic signs on Romany language in any street or in any settlement where significant number of Roma live.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

The Law on the Protection of Rights and Freedoms of National Minorities by Article 14., point 3: *„...the State shall support vocational training and terminological specialization of teachers for the language of national minorities”,* and by point 4. *„The State shall favor international cooperation with the purpose of enabling the*

persons belonging to national minorities to study abroad in the language of the respective minority and validate diplomas acquired in this way in accordance with the Law". Insufficiently educated teachers are one of the most painful points in the process of the implementation of education on native language. EAR support the pilot project for education and employment of 28 male and female Roma who will be working as support teacher in 26 schools and the project was realized in cooperation with OSCE during the 2006-07 school year. However, educational programme of the elementary education is conducted solely in Serbian language. With this fact Roma assistants were put in unequal position compared to the teacher who conduct classes in Serbian, because they have to put additional efforts for translation of the programme content.

In the frame of the project of raising accessibility to pre-school education for Roma children that was realized in 30 pre-school institutions in 24 municipalities in Serbia, from the end of the 2005 until the beginning of 2007, 1.500 children had participated.

Education is one of the areas that have been intensively researched. The last research of the UNICEF-Serbia, shows that, even that 73.6% of Roma start their education, because of the difficult economic and social life conditions at the moment only 0.4% of them reach higher educational or faculty diplomas. Only 13% of Roma in Serbia possess diplomas on finished secondary education.

There are many reasons for such situation:

- difficult financial situation and large number of family members and inability to provide to children shoes, books and working materials for school;
- insensitivity of teachers for problems and needs of Roma children;
- number of prejudices that are frequently becoming discrimination
- lack of necessary documentation for enrolment into schools like birth certificates, addresses of residents and doctors certificates;
- money needed for obtaining those document is not necessary if they are used for school enrolment purposes, but a large number of Roma (just like majority) are not informed that they don't need to pay anything;
- internally displaced Roma, refugees and returnees from West-European countries are often in a very difficult position because they usually don't possess needed documentation to access education, or they don't speak well the official educational language;
- systematic gap in educational system doesn't allow to children who didn't start their education in a promptly manner to start regular education later than 8 and a half years of age, so they have to wait until age of 16 in order to become qualified to attend schools for education of adults;

- no official reactions on the fact of a reduced number of pupils in higher grades of elementary schools, especially girls who are leaving schools because of their house obligations;
- segregation and transfer to special schools brought to the fact that some schools are entirely Roma schools - Niš, Kragujevac and for Belgrade the rates are very high, even 80-85% of total Roma population is covered by the special education. Even though this fact didn't reach interests of official researches of Serbian institutions, unofficial estimations are that number of Roma children covered by special schools education is between 50 to 80% of the total population of Roma children in schools. Schools' officials explain this by the insufficient knowledge of the Serbian language as official language of the educational system. This situation is supported also with inadequate procedures for estimation and evaluation of readiness for attending school. Number of Roma children in special schools is maybe also increased because of certain benefits that families whose children attend such schools have, e.g. free school meals, school-books and extra support for special care. However, finishing such school Roma children have a reduced chances for their enrolment to secondary education, mostly those are same old trade schools, or three-year secondary school profiles what is disabling them to find an employment later.

Research conducted by the Roma NGO Minority Rights Center from Belgrade, supported by the Agency "Argument", shows that of all Roma surveyed 62 % of them didn't finish elementary education, while only 9.6% of them had continued education on a secondary educational level. National Roma Council reports that in the period between 2003 and 2005 only 240 Roma enrolled into higher educational facilities of which 180 continued their education with all educational expenses covered by the State. In the year 2006/07 through measures of affirmative actions, 141 children are enrolled into secondary schools and 100 students to faculties. Statistics for the school year 2007/08 provides the following picture: 185 enrolled into high-schools and 107 new students.

BIBIJA-Roma Women's Center often emphasizes that among illiterate in the Roma community women make the most of the category. They are less present in schools for education of adults, than far less percentage of Roma women are registered in the labour market compared to men. Roma women are far less answering on calls from National Employment Agency regarding their activities of providing remedial education, additional education, self-employment and starting a small business. All these are consequences of giving up of education that is much more frequent among Roma girls than Roma boys.

School books and other lecture means are not still sufficiently accommodated to needs of such a type of lectures (outdated contents, bad translation, absence of information on minorities, their cultural and historical heritage and absence of gender perspectives).

Shortage of **teaching professionals** which is why not being sufficiently expert and special problem represent Roma from Kosovo who don't know Serbian language well in order to participate successfully in educational process. Besides, most of them didn't so far went to school, hoping that they will return to Kosovo, so now we have pupils of 8, 9 and 10 years of age in the first grade of elementary school.

However, education is the area in which Action Plans of the Roma Decade are the most developed and where significant improvement was made in their practical implementation. However, for such accomplishments are the most responsible international donor agencies like EAR, OSCE, Roma Education Fund established under the Decade of Roma Inclusion who supported the project „Broadening Access of Roma Children to Pre-School Education” during the 2005/06 school year. The project provided irretrievable means for 24 educational institutions in 24 municipalities and enabled for 600 Roma children from 5 to 8 years of age to attend pre-school programmes. Roma Education Fund supports also three other pilot project in cooperation with the Ministry of Education: 1. Development of the Education Programme for Roma who didn't Finished Obligatory Elementary Education; 2. Creation of Methodology for Evaluation of Needs and Regional Strategy for Improvement of Educational Status of Roma in Vojvodina and 3. Prevention of Discrimination for Regional Inspectors and Representatives of Nongovernmental organizations.

Law on Elementary Education, article 5, point 1: *“proclaims that lectures in elementary school can be developed on national minority language or bilingually, if for such activity at least 15% of pupils express their wish in the enrollment process”* Point two of the same article gives possibility that plan and programme of lectures is developed on minority language even for less number of pupils but with approval of the Minister of Education. Here we are referring to the facts of dispersity of Roma community but also to the official census that is not equal to the realistic percentage of Roma population in some municipalities. In regions where national minorities don't make majority lectures from the I to the IV grade are developed trough special classes or by its combination. This led to segregation of Roma pupils and forming of entirely Roma classes or only Roma schools – schools where Roma pupils make 90% of all pupils in it.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Law on Protection of Rights and Freedoms of National Minorities brings only regulations on organization of National Minority Councils which role in public and political life is not clearly defined. The most obvious nature of their existence is „advisory“, meaning „to give opinion“ on certain issues.

Law on Local Self-government (2002) determined more issues of importance for accomplishment of national minorities' rights and their participation in executive power of the local self-government. (Article 63). For minority issue the most relevant article is the one of possibility of forming councils for inter-ethnic relations (38 from the total of 45 municipalities). However, formation of these bodies is possible only when the minority accounts for more than 5% of the total number of municipal inhabitants. Since the Roma community is dispersive and census gives a picture of far less sized community, Roma didn't pass this census in any municipality that would enable them to establish councils.

Presence of Roma national minority representatives in the administration is negligible and it is reduced to several employed staff members. We emphasize here that gender equality is neglected and that there are almost no Roma women engaged.

The Constitution of the Republic of Serbia doesn't contain explicit regulations on State's obligations to create conditions for efficient participation of members of national minorities in the administration, especially regarding issues of their concern. Generally, members of national minorities have the right as citizens to participate in administration and public affairs and jobs are available for them on all levels. Even here, there is no gender equality principle stated as necessary.

According to the June 2007 research of the Agency for Human and Minority Rights of the Republic of Serbia on ethnical distance in Serbia, the largest ethnical distance citizens of Serbia show towards Albanians, Roma, Muslims and Americans. They are the most visible when establishing the most sensible form of social relation, marriage. The other social relation where the distance towards minorities' members is higher is electing minority member on higher governmental function.

RECOMMENDATIONS

- To strengthen relation between obligations taken by the premier and responsibilities of relevant ministries and local level for implementing Roma Decade activities. Monitoring of the Decade Action Plans implementation estimates that those strategic documents are not sufficiently used as document upon which certain political decisions can be made. Actions are mainly limited to sporadic measures that are frequently financed and co-financed by international partners;
- Adoption of the drafted National Action Plan for Roma women – Specific position of Roma Women;
- Adoption of other drafted action plans in the frame of the Roma Decade: for social welfare issues, culture, information, for IDPs, for readmission returnees etc;
- Adoption of the Law for Minority Protection of the Republic of Serbia;
- More active inclusion of Roma men and women in decision making processes and in creation and implementation of the programme of integrated sectorial politics on local but also on national levels;
- Enabling transparency of results accomplished under the Roma Decade – for Roma but also for non-Roma population.

EMPLOYMENT

- To introduce measure of affirmative action in electoral legislation and to establish adequate representation of ethnical communities in all institutions of public relevance but also in the political system;
- To develop and implement programme for employment of women, Roma women;
- To implement active remedial education and additional education for Roma women enabling them easier and faster employment;
- To secure credits for participation of Roma, especially of Roma women, in the privatization process.

EDUCATION

- To financially support deficit educational staff and to enable them additional expertise;
- To enable study visits of professors from Europe;
- To create educational curriculums that allow over viewing of all historical specificities of national communities that take into account educational contents and communication between majority and minority but also among minorities;

- To adapt school books from history, music and art culture to new educational curriculums that contains larger scope of issues with nationality content;
- To provide free of charge school books, transport and lunches for Roma pupils
- To create opportunities for education of Roma male and female teachers;
- To organize special seminars on sensibility raising of non-Roma teachers on Romany culture, history and language;
- To involve Roma teachers into commissions for categorization of children in the school enrolment process;
- To revise testing system of under developed children for frequent enrolment of Roma children in so called "special schools";
- To organize raising sensibility seminars for special education teachers;
- To organize lessons in order to make some mutual lectures for pupils of different nationalities aiming to reduce distance among them;
- To open the instructorship for Romany language at the Philology faculty in Belgrade and in Novi Sad and at the Pedagogy faculty in other towns in Serbia;
- Persistent implement legislation on obligatory education until the age of 15;
- To work with Roma parents, especially with mothers, on popularization of education of their children;
- To support financially Roma pupils and students;
- Do built kindergartens, cultural canterers, sports halls, children's playground in Roma settlements;
- To create legal guarantees for equal participation of minority representatives in educational system;
- To work on sensibility raising and information sharing of public service to register forms of discrimination that are less visible, but which influence on everyday life of minority community members.

SOCIAL WELFARE

- To simplify access to social protection for vulnerable groups inside Roma national community like self-supporting mothers, ill and old persons, families with children with specific needs, readmission returnees;
- To secure necessary placement for families deported in accordance to Readmission Agreement;
- To sensitize professionals in Centers for Social Work on Roma issue;
- To prevent family violence against children;
- To prevent violence against women;
- To provide support to Roma women for usage of women's safe houses;
- To provide free of charge legal aid to a Roma family.

HEALTH PROTECTION

- To conduct vaccination of children in Roma settlements;
- To conduct vaccination of elderly against influenza in Roma settlements;
- To sanction discriminatory attitude of medical practitioners in primary, secondary and tertiary health care institutions;
- To introduce mediators of Roma nationality in health care system;
- Introduction of practice of regular field visits to Roma settlements.

ANTI-DISCRIMINATORY POLITICS

- To initiate adoption of antidiscrimination law
- to transfer responsibility for reducing discrimination into institution of the system on all levels in order not to make only the anti-discriminative law but to enable its implementation
- to introduce efficient judiciary and administration, just like adequate educational politics in wider sense.
- To create legal and institutional conditions for involvement of representatives of Roma national minority of both genders in these bodies
- Public funds should offer significant financial support to institutions and projects of minority communities
- Social practices that bring to assimilation should be registered
- To start violation and criminal prosecutions against offenders
- To examine opportunities for establishment of the special fund for financial aid to Roma community

INFORMATION SHARING ON NATIVE LANGUAGE

- to give advantage when giving frequencies, donations, additional budgetary means and tax exemptions to multicultural and Multilanguage approaches through regulations in media laws
- to organize trainings for multicultural editing approach to everyday happenings
- to form a public publishing company for publishing more monthly magazines on Romany language
- to enable publishing of monthly magazine on Romany language that will be specialized for women's issues and affordable to all Roma women
- to provide unique radio and TV frequency in Vojvodina
- to protect media on languages of national minorities on local level that act under the municipal and inter-municipal informative centers when entering into privatization process (predicted by the Broadcasting Act) by additional regulations to prevent their suspension because of "economical" reasons
- when adopting programme schedules for radio and TV stations should support larger blocks in continuity, without their division into modest programmes

made of more segments of short duration because in such a way they lose it listeners and viewers

- to incapacitate political influence on editorial politics
- to subtitle minority TV show into Serbian language
- to secure published media into Romany language in continuity.

HOUSING

- to start the process of legalization of Roma settlements in Serbia
- to provide adequate accommodation for inhabitants of settlements that is not possible to legalize by mutual consultations
- to secure sanitary and ecological sanitations of Roma settlements and to improve their housing conditions
- to bring water, electricity and to asphalt streets in Roma settlements
- to organize national kitchen in continuity and also purchase of firewood for unsettled Roma families
- to put traffic lights on transit roads next to Roma settlements to avoid injuries and deaths of children
- to enable adequate participation of Roma, most of all, Roma women in republic and provincial organs which are dealing with quality of housing.