

By Tara Bedard

minority
rights
group
international

Participation in Economic Life: An Advocacy Guide for Minorities in South-East Europe

Participation in Economic Life: An Advocacy Guide for Minorities in South-East Europe

By Tara Bedard

Acknowledgements

Minority Rights Group International (MRG) gratefully acknowledges the support of the Charles Mott Foundation; the Department for International Development (DfID), UK; Development Cooperation Ireland; European Commission (CARDS); the Swedish International Development Cooperation Agency (SIDA East); and all of the other organizations and individuals who gave financial and other assistance for this publication. Report Editor: Katrina Payne.

The author

Tara Bedard is a researcher with the European Roma Rights Center, based in Budapest, Hungary.

Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights. MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

Material from this publication may be reproduced for teaching or for other non-commercial purposes. No part of it may be reproduced in any form for commercial purposes without the prior express permission of the copyright holders. For further information please contact MRG. A CIP catalogue record for this publication is available from the British Library.

© Minority Rights Group International 2005 – All rights reserved

ISBN 1 904584 26 8. Published April 2005. **Typeset** by Kavita Graphics. Printed in the UK on recycled paper. **Participation in Economic Life: An Advocacy Guide for Minorities in South-East Europe** is published by MRG as a contribution to public understanding of the issue which forms its subject. The text and views of the authors do not necessarily represent in every detail and in all its aspects, the collective view of MRG.

Contents

Abbreviations	1
Summary	3
Introduction	5
Core provisions of human and minority rights	7
• What are rights?	7
• Non-discrimination	8
• Special measures	9
• Recognition as a prerequisite to effective participation	9
• The need for disaggregated data	10
Rights related to effective economic participation	11
• The right to education	11
• The right to adequate housing	13
• The right to employment	14
• The right to sustainable return for displaced persons	15
Mechanisms for strengthening economic participation	19
• The European Union	19
• World Bank/IMF Poverty Reduction Strategy Papers	25
• United Nations Development Programme	28
• Organization for Security and Co-operation in Europe	30
• UN human rights mechanisms (charter-based)	34
• UN human rights mechanisms (treaty-based)	36
• The Council of Europe	41
National mechanisms	45
• National laws on minorities	45
• Anti-discrimination legislation	49
• Minority strategies	51
• Ombudsperson institutions	56
Appendix 1: Useful contacts	59
Appendix 2: Advocacy options	62
Appendix 3: Treaty status table for SEE	64
Notes	69
Selected bibliography	75

Abbreviations

AC	Advisory Committee
AP	Accession Partnerships
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CHR	Commission on Human Rights
CoE	Council of Europe
CPRSI	OSCE Contact Point for Roma and Sinti Issues
CRC	Convention on the Rights of the Child
DG	Directorate-Generals
EC	European Commission
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECOSOC	United Nations Economic and Social Council
ERRC	European Roma Rights Center
EP	European Partnerships
EU	European Union
FCNM	Framework Convention on the Protection of National Minorities
GHM	Greek Helsinki Monitor
HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICEDAW	International Convention for the Elimination of Discrimination against Women
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally displaced person
IE	Independent experts
ILO	International Labour Organization
IMF	International Monetary Fund
JSA	Joint Staff Assessment
KFOR	Kosovo Force
MDG	Millennium Development Goals
MRG	Minority Rights Group International
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner on Human Rights

2 ABBREVIATIONS

OHCNM	OSCE Office of the High Commissioner on National Minorities
OSCE	Organization for Security and Co-operation in Europe
PRSP	Poverty Reduction Strategy Paper
(Revised) ESC	(Revised) European Social Charter
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SEE	South-East Europe
SR	Special Rapporteurs or Representatives
UDHR	Universal Declaration on Human Rights
UN	United Nations
UNDM	United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities
UNDP	United Nations Development Programme
UNESCO	United Nations Education, Science and Cultural Organization
UNMIK	United Nations interim administration mission in Kosovo
WB	World Bank
WG	Working Group
WGM	Working Group on Minorities

Summary

Minorities across South-East Europe are vulnerable to poverty and economic exclusion and have little information about their rights to economic participation, or about advocating for their effective participation in economic life. (In this guide, participation in economic life is taken to include full, equal and meaningful access to education, employment and housing, and to include access to sustainable return processes for displaced people and to credit and development programmes.)

The purpose of this guide is to empower minorities to advocate for, and bring about, change in policies, practice, attitudes and approaches to minorities' issues. It is intended to provide minorities, activists and non-governmental organizations (NGOs) working with minorities, with information on ways to effectively advocate for minorities' participation in policy- and decision-making processes as they affect them. It is also intended to encourage minorities, activists and NGOs working with minorities to lobby for a greater public awareness of the issues and to seek judicial remedies where appropriate.

The focus countries of this guide are: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro (including Kosovo). In the political context of South-East Europe (SEE), many minorities have been forced into the position of refugees (persons forced to live outside of their habitual country of residence) and internally displaced persons (IDPs – persons forced to live outside their habitual place of residence within their country). In the case of Bosnia and Herzegovina, all who are not of Bosniac, Croat or Serb ethnic origin, the largest ethnic groups are not 'constituent peoples' under the terms of the Constitution established under the 1995 Dayton Peace Agreement, and were given fewer protections. Additionally, some members of the constituent groups (i.e. those of Bosniac, Croat or Serb ethnic origin) and members of majority groups in other countries live in areas where they do not constitute numerical majorities and experience similar problems regarding effective economic participation to other minority groups. The term 'minority' will be used to incorporate all the groups referred to above in this guide. Where reference to a particular sub-group such as IDPs is made, the individual term will be used.

The governments of Bosnia and Herzegovina, Macedonia, and Serbia and Montenegro have refused to confer formal refugee status on a large number of minorities displaced from other countries in the region. Many refugees in Bosnia and Herzegovina and Macedonia are defined as 'persons under humanitarian assistance', a temporary protection, while a great number of ethnic Serbs and Roma displaced from Kosovo living in Serbia and Montenegro have no formal

4 SUMMARY

status at all. Without formal recognition, refugees are not legally entitled to the protection included in the Refugee Convention or in any national programmes that exist.

The guide is intended for activists with different levels of experience. As it covers a breadth of different approaches, institutions and mechanisms, it directs users to other publications and sources of information to avoid a duplication of information. Users are also encouraged to liaise with other NGOs and bodies (see Appendix II).

Introduction

Minorities, refugees and IDPs around the world are excluded from full and effective participation in economic life. Ethnic tensions in the former Yugoslavia in the 1990s, the economic crisis and rising discrimination have exacerbated the exclusion of minorities from effective participation in economic life in the region. Additionally, with the exception of Greece, as the region has made the transition to market-based economies, minorities have suffered disproportionately from high levels of unemployment and weak social welfare structures. Further, minorities have limited influence on decision-making processes. The extent of the exclusion of minorities, refugees and IDPs from economic participation differs depending on the ethnic group and the country, but in some cases borders on full exclusion. A disproportionately high number of minority pupils do not attend school, and many other minority pupils receive education of a lower quality, often in mono-ethnic environments. Large numbers of minorities live in slum housing, have been excluded from employment, or work in informal, often unskilled, positions.¹

What is a minority?

While there is no broadly accepted definition of what constitutes a minority, minority groups have generally been identified as 'a non-dominant group of individuals who share certain national, ethnic, religious or linguistic characteristics which are different from those of the majority population'. In general Minority Rights Group International (MRG) works to protect the rights of non-dominant ethnic, linguistic or religious communities, who may not necessarily be a numerical minority, and who suffer prejudice, discrimination or exclusion. Whether or not a particular group constitutes a minority depends on objective criteria, including self-identification, and does not depend on recognition by the state.

Further information can be found on the MRG website at: www.minorityrights.org.

In response to the need for the wider protection of minority rights in Europe, the Council of Europe (CoE)'s Council of Ministers adopted the Framework Convention for the Protection of National Minorities (FCNM) in 1994. The FCNM opened for signature by member states in 1995 and entered into force in 1998.² Article 15 of the FCNM stipulates:

*'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.'*³

Article 15 provides recognition of the exclusion of minorities in Europe from decision-making and from meaningful participation in other aspects of life.⁴ Development is defined in the United Nations (UN) Declaration on the Right to Development as:

'a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom.'

In SEE, the full and equal participation by minorities in development processes is of particular importance, given the high level of attention and funding devoted to development efforts.

Various laws, policies and initiatives in SEE aim to create the conditions necessary for the full and effective realization of minorities' rights to economic participation. Many of these policies fail to address the needs of all minorities, in most cases due to the lack of minority participation in their design and implementation. However, they offer a starting point from which minorities can:

- claim their rights to economic participation
- facilitate their own effective participation in economic participation
- take advantage of the programmes set out in government policies and initiatives
- ensure their government meets the standards that it has signed up to
- lobby for changes to existing programmes and lobby for new ones.

Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (UNDM) guarantees: 'Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.'⁵

Minorities, refugees and IDPs should also exercise their right to participate in all stages of the amendment, design and implementation of existing and future laws, policies and initiatives. This will help to ensure that these laws etc. will lead to effective and equal economic participation for minorities.

Core provisions of human and minority rights

What are rights?

Many of the rights related to economic life, for example, adequate housing, education and employment, are also needs. However, because of discrimination by other groups or by the state, minorities have limited access to these rights.

The key difference between rights and needs is strength: needs are those factors necessary for an adequate standard of living; human rights are the entitlements of all people, simply because they are human. All human rights – civil, cultural, economic, political and social – share the following characteristics: they are universal, they belong equally to everyone; they are also indivisible, interdependent and interrelated; the (non) enjoyment of one affects the (non) enjoyment of others.

Minority rights are also human rights. A person's ability or inability to access a right has an impact on access to other rights, for the person directly concerned and possibly others. A considerable number of minorities in SEE do not have access to employment. Due to low wages, informal employment activities and unemployment, many minorities live in slum housing that is not legally registered. People living in such homes have difficulties accessing personal documents, for which a registered address is required. Without personal documents, state-sponsored benefits such as unemployment and medical insurance are out of reach. Additionally, some schools refuse to register children who do not have legally registered addresses.

International, regional and, to some extent, domestic laws include human rights provisions, meaning that they should be enforced in courts of law when necessary. Human rights create a framework of entitlements common to *all* people. They establish clear duties on the part of states and, increasingly, on individuals, relating to the respect and fulfilment of human rights and fundamental freedoms of all people. They set out procedures and mechanisms that can be used to hold those responsible legally accountable. They also provide a framework for the effective participation of all people in the process of the full realization of these rights and freedoms. A rights-based approach to development provides people whose rights have been violated with remedies and strengthens the position of those who are vulnerable. Rights must be promoted, protected and fulfilled.

Non-discrimination

Discrimination against minorities is one of the largest barriers to their ability to fully exercise fundamental rights and freedoms. The right to freedom from discrimination is well established in international and, in most cases, domestic law. Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) defines racial discrimination as:

‘any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms.’

The full realization of the freedom from discrimination in access to basic rights is essential if minorities are to fully and meaningfully participate in society.

For example, members of minority groups such as women, older people and children often face discrimination in access to rights and freedoms on more than one ground. This is called ‘intersectional discrimination’. Factors such as nationality, ethnicity, gender and age overlap in the determination of discrimination, which leads to complicated intersections between two or more factors, which pose additional barriers, and contribute to even further marginalization of the affected people. Particular attention should be devoted to the barriers to accessing rights and freedoms experienced by individuals or groups of individuals who may face intersectional discrimination – particularly minority women – and to ensuring that multiple forms of discrimination are taken into account in policy-making and implementation.

The Council of the European Union, in its Directive 2000/43/EC on ‘implementing the principle of equal treatment between persons irrespective of racial or ethnic origin’ (the Race Equality Directive), states that discrimination may be direct or indirect.⁶ Non-discrimination provisions are also included in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR); Protocol 12 to the ECHR, which will enter into force in the ratifying countries as of 1 April 2005, and widens the prohibition on discrimination to all rights set forth by law; the International Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW); the Convention on the Rights of the Child (CRC); the FCNM; the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the (Revised) European Social Charter (Revised ESC); the Universal Declaration of Human Rights (UDHR) and the UNDM.

Special measures

Many international, regional and domestic laws relevant to minority rights, for example the UNDM, provide for the implementation of ‘special measures’, otherwise known as positive action or affirmative action. Special measures aim to address historic and persistent inequality in the enjoyment of rights and freedoms by minorities and ensure equality in the enjoyment of rights and freedoms. For example, Article 4(2) of the FCNM states:

‘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.’

Special measures for disadvantaged groups are not discriminatory provided they aim to achieve a specific objective and cease upon achievement of the objective. Of particular relevance to effective participation in economic life, Article 2(2) of the ICERD stipulates that such measures should be taken ‘in the social, economic, cultural and other fields’. Without special measures, the likelihood of a state achieving equality in the enjoyment of all rights and freedoms between minorities and the majority is severely diminished.

Recognition as a prerequisite to effective economic participation

Governments’ recognition of the existence of minority groups is important for minorities’ full participation in society and development, and for the full realization of their rights. Formal recognition by the state makes possible the protection of those minority rights guaranteed in domestic legislation and in any international treaties to which a country is party. The Organization for Security and Co-operation (OSCE)’s Office of the High Commissioner for National Minorities (OHCNM) and the Advisory Committee (AC) to the FCNM have urged governments to recognize minorities on their territories. Given the problems of recognition arising from the lack of a definition of what constitutes a minority, and as the FCNM is a multilateral treaty, the AC has decided that states parties do not have sole discretionary power in making such decisions. On an Article-by-Article basis, the AC interprets to which groups the FCNM should apply in a given country.⁷

The need for disaggregated data

There is a severe lack of statistical data on minorities and there is an ongoing debate on the issue.⁸ Opponents argue that the collection and processing of such data violates national data protection laws: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Romania, and Serbia and Montenegro do not prohibit the collection of ethnic data, provided appropriate procedural protections are adhered to, including consent by the affected individuals. Many minorities fear that such data may be used against them. However information – including economic and quality of life indicators – which is disaggregated by race, ethnicity, nationality, gender, etc. and has been gathered lawfully and fairly, is necessary to identify the nature and extent of minorities' disadvantage. Without such data, it is impossible to assess the effectiveness of existing policies.

Rights related to effective economic participation

Regarding the full implementation of economic, social and cultural rights for everyone, the ICESCR obligates governments, at Article 2(1):

‘to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.’⁹

The effective participation of minorities, refugees and IDPs in economic life means more than just having a job. It means the full enjoyment of all rights related to economic development, such as the right to education, the right to employment, the right to housing and the right to sustainable return, among others. It also means having equal access to credit¹⁰ and national and regional development programmes, to ensure that all members of society can live in dignity free from (extreme) poverty. Article 4(4) of the UNDM reinforces these points: ‘States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development of their country.’ At the UN Millennium Summit in 2000, world leaders agreed upon the Millennium Development Goals (MDGs), an agenda for the reduction of poverty and improvement in the quality of life. The SEE governments have committed to the MDGs, and various poverty reduction programmes in the region have been established. The realization of the rights explored in this guide is integral to the achievement of the MDGs as they relate to minorities, refugees and IDPs.¹¹

The right to education

The Committee on Economic, Social and Cultural Rights (CESCR), which monitors the implementation of the ICESCR, has stated:

‘Education is both a human right in itself and an indispensable means to realizing other human rights.[...] education is the primary vehicle by which economically marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.’

Education is a crucial issue for both children and parents in any society. In times of economic hardship or after violent conflict, it should be seen as a tool for betterment, reconciliation and intergration. Also, effective participation in many aspects of national life is based on the premise that everyone has equal access to education, including minority communities. Goal 2 of the MDGs is the achievement of universal primary education. Accessing education is of vital importance for minorities, refugees and IDPs, as the lack of education creates a strong barrier to effective economic participation.¹²

The minimum core obligations upon governments regarding education include: access to public education institutions and programmes without discrimination; free and compulsory primary education for all; the adoption of national educational plans that take into account equal access to all levels of education; and freedom of choice in education. The right to education also includes equal access to vocational training and continuing education for adults.¹³ The United Nations Education, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education obliges states to end discriminatory practices regarding education, and to develop and apply national policies aimed at creating equality of opportunity and of treatment in education. The UN Convention relating to the Status of Refugees (Refugee Convention) stipulates that refugees have the same rights of access to education as do nationals of the country of refuge.

The reality is that many members of minority groups, refugees and IDPs do not receive equal treatment. A disproportionately high number of minority pupils do not attend school. Many refugees and IDPs in Serbia and Montenegro are unable to enrol their children in schools due to direct and indirect discrimination, due to language barriers, and a lack of formal refugee status in the country. Where pupils from minority groups do attend school, it is often in segregated environments. For example, in Bulgaria and Romania, Roma pupils largely attend segregated schools and classes, which offer inferior education and discriminate against these pupils.

NGOs and activists should consider addressing the Special Rapporteur on the Right to Education of the UN Commission on Human Rights (CHR) when minorities experience difficulties accessing the right education.

The non-realization of the right to education means that future generations of already marginalized groups will face exclusion from employment. Minority education is of vital importance for minorities' development. The FCNM requires states to ensure that national minorities can be taught their language and receive instruction in it.¹⁴ Some minority groups have managed to secure education in their first language, for example, ethnic Greeks in Albania or ethnic Albanians in Macedonia. However, this is generally only available to 'stronger' minority groups. Additionally, the quality of education in such schools has been criticized in some cases.¹⁵ In its Hague Recommendations Regarding the Education of National

Minorities, the OSCE High Commissioner on National Minorities (HCNM) recommends that states employ special measures as required. The HCNM also recommends that participating states' general curricula should include teachings on national minorities' history, culture and traditions to strengthen multiculturalism. This idea is reinforced in the UNDM.

The right to adequate housing

The right to housing means more than having shelter or a roof over one's head. It means the right to housing of an adequate standard so as to provide a decent standard of living, dignity and safety. This is primarily set out in the ICESCR and the (Revised) ESC. The right to adequate housing also entails freedom from unlawful interference with, and respect for, one's home (ICCPR and ECHR); and freedom of movement and the right to choose one's residence (Protocol 4 to the ECHR).

The CESCR has indicated in its General Comments¹⁶ that the minimum requirements with respect to adequate housing include: accessibility; availability of services, materials, facilities and infrastructure; cultural adequacy; habitability; legal security of tenure; reasonable location. Additionally, the CESCR stipulated that forced evictions are a gross violation of the right to adequate housing, and should not result in homelessness.¹⁷

What is more, the European Court of Human Rights (ECHR) has found that the destruction of the properties and homes of two families by the Turkish state's security forces amounted to 'inhuman treatment' under Article 3.¹⁸

Most often, the court has found violation of this Article in the context of severe abuse of the dignity and physical integrity of prisoners and pre-trial detainees. The Court took into account: the premeditation of the destruction; the fact that the victims were taken unprepared; the fact that they had to stand by and watch the burning of their homes; the inadequate precautions to secure the safety of their families and the fact that no assistance was provided to their families afterwards.

The right to adequate housing is particularly important to minorities, because they are the most vulnerable to housing rights violations. One of the targets of Goal 7 of the Millennium Development Goals is to achieve significant improvement in conditions in informal settlements, through access to secure tenure. A disproportionately high number of minorities, refugees and IDPs live in informal housing settlements – housing that is not formally registered, often does not meet building code requirements and lacks one or more basic services, such as running water. Residents face constant health risks and the threat of eviction. Additionally, residents are often prohibited from registering their residence and accessing residence cards. These are required if residents wish to receive social welfare or medical treatment, enrol children in school or vote.

Several states in the region have included provisions for the legalization of informal housing settlements in their national policies; see for example, Serbia and Montenegro's new law on planning and construction, although this provision has yet to be implemented. In its Development and Poverty Reduction Strategy, the Republic of Montenegro undertakes to provide potable water and adequate sewage removal in Roma housing areas (and those of Ashkaelia and Egyptians displaced from Kosovo), and for IDPs in illegal housing settlements. In its Strategy for Improving the Roma's Condition, the Romanian government committed to developing financing programmes for ensuring minimum conditions of housing for Roma.

In order to ensure the right to adequate housing, states could adopt a number of measures, such as: developing housing strategies for the most vulnerable, including minorities; resettling displaced persons adequately and providing them with compensation; prohibiting and preventing housing segregation; ensuring security of tenure by prohibiting arbitrary forced evictions; building infrastructure, like water, sanitation, electricity, roads, etc.

Activists and NGOs should assess the housing situation of minorities in their country against the background of undertakings made by their government, and lobby the relevant government officials for their full implementation with regards to the needs of minorities. Additionally, NGOs and activists can lobby the bodies that monitor the various treaties that protect the right to adequate housing, or the Special Rapporteur on adequate housing.¹⁹

The right to employment

Central to economic participation is access to employment. The right to dignified work, free from discrimination and exploitation, provides that all people should have the opportunity to earn a wage that is adequate for their health and well-being. The right to work does not mean that everyone is guaranteed a job, but that the state is responsible for taking steps towards the realization of employment over a reasonable period of time. The right to work, as set out in the ICERD, ICESCR, the International Labour Organization (ILO)'s Convention concerning Discrimination in respect of Employment and Occupation, the (Revised) ESC, the UDHR and the UNDM among others, includes:

- freedom to choose or accept work
- freedom from slavery and forced labour
- favourable and just working conditions, including freedom of association, equal pay for equal work, adequate minimum wage, a safe work environment, equal opportunity for advancement and adequate rest time
- access to vocational training and guidance.

Where the full realization of the right to work has not yet been fulfilled, governments have the responsibility to ensure that all people have a minimum standard of living. Therefore, the ICESCR sets out, at Article 10: ‘the right of everyone to social security, including social insurance’, meaning access to social welfare, child assistance payments and state-provided medical insurance, including for refugees under the Refugee Convention, subject to national laws.

Access to employment has been particularly problematic for minorities, refugees and IDPs. Labour markets in the region are unstable and discrimination is rife. Unemployment levels are high generally; however, they tend to be highest among minority communities. For example, according to the UNDP, in Bulgaria, up to 80 per cent of Roma are unemployed, compared to between 18 and 25 per cent of non-Roma.²⁰ Additionally, the large population of refugees and IDPs in the region are particularly disadvantaged, due to their lack of formal status; and they do not benefit from the protections in the Refugee Convention, which guarantee that refugees should be accorded the most favourable treatment accorded to foreign nationals in the same circumstances, and that refugees have the right to favourable and just working conditions on an equal basis with citizens. In cases where this is not happening, refugees and IDPs should inform the United Nations High Commission for Refugees (UNHCR) and the relevant authorities in the country, and work with them to secure their rights. Refugees and IDPs should also approach NGOs, particularly international NGOs, working on refugee and IDP issues in the country, as these may be able to assist in ensuring that concerns are taken seriously.

The right to sustainable return for displaced persons

Many people – a significant portion of whom are minorities – are displaced from their homes, and even their countries, due to ethnic tensions and conflicts. The reasons for their continued displacement are complex, and include such issues as: destruction of property; fear of further violence; the inability to access employment, health care and other public services upon return; and tenancy issues. Particularly with respect to the conflicts in Bosnia and Herzegovina, Croatia, and Kosovo in the 1990s, displaced persons’ right to sustainable return is a cornerstone right in the reconstruction process.

Based in Croatia, the NGO Center for Peace, Legal Advice and Psychosocial Assistance – Vukovar, advocates for the promotion and protection of human rights and the development of a peaceful society. The main beneficiaries of the Center’s work are from the Serb minority, although it works with people of all backgrounds. It

advocates for non-discrimination in the restitution of private property, the creation of the necessary conditions for the sustainable return of refugees and IDPs, the resolution of occupancy/tenancy rights and other economic and social rights.

The Center provides free legal counselling to returnees and helps them file applications with the relevant authorities in cases pertaining to property restitution, compensation and reconstruction assistance. It provides information to, and lobbies, government authorities locally and nationally to act within the law. Approximately 45,000 people have benefited in some way from the work of the Center.

The Center also works with intergovernmental organizations and international NGOs to increase the effectiveness of its work; for example by way of a shadow report on Croatia's implementation of the FCNM in July 2004 and an oral intervention to the UN Working Group on Minorities in May 2003. Since its inception in 1996, the Center notes an increased willingness on the part of government authorities to communicate and cooperate – partially a result of its cooperation with other NGOs and international organizations, and communication and cooperation with relevant the government bodies. The Center stresses the importance of assessing and amending strategies from time to time in order to ensure their relevance and to take account of changes in society.

Numerous international and domestic standards set out the right to the sustainable return of displaced persons, although it should be noted that they are not legally binding instruments. These include: the UN's Guiding Principles on Internal Displacement; Article 26 of the UN's Millennium Declaration, which provides that states should: 'help all refugees and displaced persons to return voluntarily to their homes, in safety and dignity and to be smoothly reintegrated into their societies';²¹ The Constitution of Bosnia and Herzegovina contains the right of displaced persons to return at Article 2, and Annex 7 to the Dayton Peace Agreement comprises an 'Agreement on Refugees and Displaced Persons'. In 2001, the United Nations Mission in Kosovo (UNMIK), the Kosovo Force (KFOR) and the UNHCR agreed upon the basic principles of the right to sustainable return in their 'Statement of Principles'. Similar provisions exist in Croatia, and the Republic of Serbia adopted a National Strategy for Resolving the Problems of Refugees and Internally Displaced Persons in May 2002. The CERD has emphasized that protections against discrimination in Article 5 of the ICERD apply to the right of refugees and displaced persons to return to their places of habitual residence in safety, and to the principles of the right to sustainable return.²²

The basic principles of the right to sustainable return include:

- conditions suitable for safe return
- freedom to return voluntarily and on the basis of informed consent to one's place of origin

- access to public and social services, such as equal access to education (minority language education where possible), public utilities, social security, health care and medical services
- access to adequate housing and property (competent authorities are responsible for assisting returnees to recover their possessions and property. Effective remedies and appropriate compensation should be available to persons unlawfully deprived of their property)
- access to employment
- freedom of movement.

However, serious barriers to the sustainable return of minorities exist in the region. The UNHCR reports that in Serbia and Montenegro there are 226,017 IDPs from Kosovo and 287,889 refugees (from Bosnia and Herzegovina, Croatia, Slovenia and Macedonia); and 22,000 people are displaced within Kosovo. In Bosnia and Herzegovina there are 313,450 IDPs and 22,347 refugees (mostly from Croatia). In Croatia there are 10,355 IDPs and 3,912 refugees (mostly from Bosnia and Herzegovina), and in Macedonia, there are 1,829 IDPs and 2,296 refugees (mostly from Serbia and Montenegro and Kosovo).²³

Ethnic tensions remain high and returnees continue to experience violent attacks, especially in Kosovo.²⁴ Other people have occupied the properties of many refugees and IDPs; in many cases, where refugees and IDPs have been able to repossess their homes, the previous occupants have looted the property before moving. Discrimination is rife in the repossession process, with minorities finding local authorities and courts slow to process their claims and enforce evacuation orders.

Mechanisms for strengthening economic participation

A large number of international, regional and domestic laws and policies have been adopted in an attempt to remedy the inequalities experienced by members of minority groups, refugees and IDPs. In SEE, such policies address the unequal position of minority groups, refugees and IDPs to varying extents. However, the mere existence of these laws and policies has not bridged the gap between majority and minority members of society. Minorities, activists and NGOs can, however, use their government's standards, policies and commitments in the fight for real equality. Advocacy efforts that target a combination of local, national and international actors are generally the most effective but activists and NGOs should assess their capacities before deciding what to target and how. Below are some of the most useful documents, processes and actors available to minorities, refugees and IDPs advocating for effective participation in economic life.

The European Union

The European Union (EU) is the most important political and development actor in Europe and has considerable leverage to improve the position of minorities. The European Constitution is now in the process of ratification. It is likely that some member states will reject it, but it is hoped that the attention to minority rights will be upheld in any revised version of the Constitution.

EU integration status

Country	Status
Albania	No Stabilization and Association Agreement (SAA); on-going negotiations for a SAA
Bosnia and Herzegovina	No SAA; positive feasibility study; SAA negotiations expected to start in 2005
Bulgaria	Candidate country; accession treaty signed; to join in 2007 (pending ratifications)
Croatia	SAA concluded; EU candidate country, about to start membership negotiations
Greece	Member state

Country	Status
Macedonia	SAA concluded; submitted application for membership
Romania	Candidate country; accession treaty signed; to join in 2007 (pending ratifications)
Serbia and Montenegro, including Kosovo	No SAA; positive feasibility study; SAA negotiations expected to start by end of 2005.

Article II–81 of the Charter of Fundamental Rights within the Treaty establishing a Constitution for Europe, signed on 29 October 2004 by the 25 member states and three candidate countries holds that: ‘Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.’²⁵

The European Commission is the body responsible for formulating EU policy and drafting legislation. The body of EU law and jurisprudence as a whole is known as the *acquis communautaire*. The Commission is made up of Directorates-General (DGs) and Services, each with a different area of responsibility. In order to lobby effectively at the EU level, NGOs need to identify the relevant DG in the Commission, as well as the relevant officials within the DG. Most DGs are led by a commissioner, aided by a head of cabinet. The officials in each DG are headed by a Director-General. Desk officers undertake work in the area of their specific section (and/or) specific countries, depending on the DG).

The primary DG²⁷ that is relevant for the effective economic participation of minorities in EU member states, such as Greece, is the DG for Employment, Social Affairs and Equal Opportunity. It is responsible for the development of an inclusive social model at the European and member state level with more and better jobs on the basis of equal opportunities. It promotes the integration of economic, social and employment policies and legislation at the European and national levels by bringing together the relevant actors in the areas of employment, social exclusion and protection, and gender equality. The DG also combats discrimination on the grounds of racial and ethnic origin, religion and belief, disability, age and sexual orientation, and promotes dialogue with NGOs.²⁸

The DG Enlargement oversees the process of accession for candidate countries, and DG Employment, Social Affairs and Equal Opportunity desk officers have also been assigned country responsibility for EU candidate countries. EU candidate countries must fulfil the economic and political conditions set out at the 1993 Copenhagen European Council (known as the Copenhagen Criteria) prior to accession, which stipulate that prospective members must:

- be a stable democracy, respecting human rights, the rule of law and the protection of minorities

- have a functioning market economy
- adopt the EU *acquis communautaire* (including the Race Equality Directive, which several SEE countries have already made part of their national legal framework).

Each candidate country has its own Accession Partnership (AP), which is an agreement between the EU and the candidate country and contains commitments to achievements that must be met by candidate countries before accession, including in the area of minority rights.²⁹ APs, which cease upon accession, assess the priority areas in which progress is needed in preparation for accession, and outline the financial assistance to be made available to enable this. The EU monitors progress on their implementation annually and the DG Enlargement publishes annual progress reports; APs may be updated as required. Progress Reports can be used by NGOs to advocate for change. The DG Enlargement coordinates accession treaty negotiations between the EU and applicant countries on, among other things, employment and social policy (including social inclusion and anti-discrimination); small and medium enterprises; and education and training – all of which have been provisionally closed for Bulgaria and Romania, meaning that they have provisionally met their requirements in these areas.³⁰ The results of the negotiations are incorporated into accession treaties, which require approval by the EU's Council, the European Parliament, and ratification by EU member states and the applicant countries.

Minority rights issues have been addressed to varying degrees within the accession framework, with particular emphasis on Roma. Other minority groups, refugees and IDPs should lobby for increased attention to their issues in the accession process. The prospect of EU accession offers a unique opportunity for minorities to press governments to address their concerns, given that governments are eager to join the EU and are more open to making the necessary changes for accession. NGOs should target the relevant governmental authorities to ensure that their concerns related to effective economic participation are addressed, as well as the relevant members of the EU and EC.

Stabilization and accession process (SAP)

The DG Enlargement oversees the Stabilization and Accession Process (SAP),³¹ which is the framework for European integration for Western Balkan countries (Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Serbia and Montenegro, including Kosovo) up to and including EU accession. The further integration of the Western Balkan countries is based on meeting certain conditions, set out by the EU General Affairs Council in April 1997 and reiterated at the Zagreb Summit in November 2000, such as respect for international law and the

rule of law, respect for democratic principles, and respect for human rights and minority rights. Implementation of and adherence to the conditions translates into increasing access to EU policy privileges, from autonomous trade measures, to financial assistance measures through the Community Assistance for Reconstruction, Development and Stabilization (CARDS) programme and the finalization of the Stabilization and Association Agreements (SAAs). Croatia (now a candidate country) and Macedonia have concluded SAAs, which only reference respect for human rights, including the rights of minorities, in the Preamble. It was decided at the June 2003 European Council that the SAP should have more pre-accession elements.

Lobbying the EU

The EU's emphasis on political dialogue is a way for NGOs to facilitate better policy and programming in the area of effective economic participation by minorities, refugees and IDPs. NGOs can target:

- **European Commission** – the relevant DG, as outlined above, paying attention to commissioners, director generals, deputies and desk officers. Organizational charts available at: www.europa.eu.int/comm/dgs/employment_social/staffgui/org_en.pdf (Employment and Social Affairs); www.europa.eu.int/comm/dgs/enlargement/dgelarg_org.pdf (Enlargement); and http://europa.eu.int/comm/external_relations/organ.xls (External Relations, Social Affairs and Employment), including the Human Rights and Democratization Section and the Western Balkans Section. A staff directory for all DGs is online at: www.europa.eu.int/comm/staffdir/plsql/gsys_page.display_index?pLang=EN.
- **members of the EC delegation in your country** – contact information for EC country delegations can be found at: http://europa.eu.int/comm/external_relations/delegations/intro/web.htm; and
- **EU Presidency** – the presidency of the EU is an important tool for advocacy. Rotating every six months, the presidency will be: in Luxembourg and the UK in 2005; in Austria and Finland in 2006; all of these presidencies offer opportunities for advocacy on minority rights. The current presidency website is at: www.eu2005.lu/eu/index.html.
- **NGO platforms** – these include the European Roma Information Office (ERIO) and the European NGO Confederation for Relief and Development (CONCORD). CONCORD can be helpful in getting your message heard by the relevant EU actors. See contact information in Appendix 1.

Fundamental Rights Agency – at the time of writing this guide, there was an ongoing discussion regarding the transformation of an existing EU body, the European Monitoring Centre on Racism and Xenophobia, into a Fundamental Rights Agency. A public discussion is due to be held in early 2005, which NGOs

can attend, where the remit of the Agency is to be discussed. Information on the issues to be discussed can be viewed at http://europe.eu.int/comm/justice_homw/news/consulting_public/fundamental_rights_agency/communication_com2004_693_en.pdf.²⁶

NGOs should try to initiate and maintain regular contact with the above to keep them up to date on issues of concern, as well as to find out about any developments, potential avenues for action or funding opportunities.

The return of refugees and displaced persons was also made a priority in the SAP through the support of regional initiatives, such as the Stability Pact's³² Migration, Asylum and Refugee Regional Initiative (MARRI), and the enactment and enforcement of anti-discrimination legislation to ensure fair and proportionate representation of minorities in employment. Other priorities are to increase access to education and all other social services, to improve security concerns and to address obstacles to return – primarily related to property.

The involvement of minority groups, refugees, IDPs and NGOs in the SAP processes is of the utmost importance, particularly following the decision of the European Council that the SAP and the SAAs will be the vehicle for EU accession for Western Balkan states. However, NGOs have not been heavily involved in the SAP. Most countries in the region have a Ministry for European Integration; this and any other relevant ministry can be lobbied. Minority and related NGOs in the region should press their governments for greater involvement in the SAP and for adequate measures in the SAAs to address the needs of their communities. NGOs can also organize public meetings with other minorities, refugees and IDPs, or hold open meetings to elaborate statements and recommendations for the relevant government representatives on the SAP and SAAs.

European aid

For EU member states, DGs issue calls for proposals for projects that NGOs can bid on, relevant to their sphere of work. Information on grants and loans available from the DGs is available on their respective websites or at: www.europa.eu.int/grants/info/introduction_en.htm.

The EU's Phare programme currently provides funding to the EU candidate countries Bulgaria and Romania in their preparations to join the EU. The Phare programme funds focus on the priorities highlighted in each country's road map to accession and AP.

The objectives of the Phare programme are:

- strengthening public administration and institutions to function effectively inside the EU

- promoting convergence with the EU's *acquis communautaire* and reducing the need for transition periods
- promoting economic and social cohesion.

The Phare programme is undergoing substantial changes following the accession in May 2004 of the 10 new EU member states. However in Bulgaria and Romania, Phare programming will continue as before, with a substantial increase in the financial allocations to the programme for 2004–6. The involvement in Phare programmes of NGOs working on economic and social development is encouraged and NGOs can submit bids for projects under calls for proposals relevant to their areas of interest.

The major focus of EU funding in the Western Balkan region is the CARDS programme.³³ Its aim is to support the participation of Western Balkan countries in the SAP. In 2002–6, €4.65 billion will be provided to the region via the CARDS programme to achieve several objectives, including: the return of refugees; institutional and legislative development, including harmonization with EU norms and approaches, to strengthen democracy and the rule of law, human rights and civil society and sustainable economic and social development, among others.

Ninety per cent of CARDS assistance is allocated via national support programmes, guided by CARDS Country Strategy Papers. EU country delegations in Albania, Bosnia and Herzegovina, and Croatia are involved in the preparation of the Country Strategy Papers and manage EU assistance in the country. The European Agency for Reconstruction (see Appendix for contact information) manages EU assistance in Serbia and Montenegro, including Kosovo, and Macedonia. Therefore, EC country delegations and the European Agency for Reconstruction should be targeted by activists and NGOs to ensure that financial assistance is available to address minorities' concerns. While the EC's formal relations are with the state, CARDS assistance may also be delivered directly to entities under UN jurisdiction and administration; federal, regional and local bodies; public and semi-public bodies; social partners' organizations providing support to businesses, cooperatives, mutual societies, associations, foundations; and NGOs.³⁴

The remaining 10 per cent of CARDS assistance is allocated at a regional level on the basis of a Regional Strategy Paper and managed by the EuropeAid Co-operation Office. The CARDS regional assistance priority areas include: building the capacities of state institutions; promoting integrated border management approaches; reinforcing regional infrastructure and environmental development; and supporting democratic stabilization and civil society, including minority rights, media and good governance. The priorities correlate with SAP policy goals and poverty reduction goals. Some funding is set aside to support the work of NGOs working in more than one country and those working in the area of sustainable development.

Annual Regional and Country Action Plans, managed by the EuropeAid Cooperation Office, outline how funding will be allocated and which bodies will be responsible. Information on CARDS programming, the Regional and Country Strategy Papers, and Annual Action Plans, is available at: www.europa.eu.int/comm/europeaid/projects/cards/publications_en.htm#3.

In addition to the CARDS programme, Western Balkan countries are to have access to other EU assistance programmes,³⁵ although this has not yet happened. Given the limited attention paid to specific minority issues in the SAP and the linking of funding in the region to the SAP, NGOs should lobby for greater funds for minority programmes. NGOs should contact the EC delegation in their country or lobby the relevant government officials, and get involved in projects relevant to their concerns. NGOs in Macedonia, and Serbia and Montenegro, including Kosovo, can also contact the European Agency for Reconstruction to find out about their eligibility for funding. NGOs should also contact international agencies and other NGOs in their country to get information on which EU-supported projects they are running and how to get involved.

On 24 September 2004, the EC announced its decision to streamline its external assistance programmes.³⁶ From 2007, only six programmes will exist, four of which are new. Of relevance to SEE will be the Pre-Accession Assistance programme. This will cover current candidate countries and Western Balkan countries that may join in the future. It will replace the Phare and CARDS programmes, as well as a number of others, and is to be fuelled by the Country Strategy Papers, Regular Reports, the European and Accession Partnerships and the negotiations.

World Bank/IMF Poverty Reduction Strategy Papers

In September 1999, the World Bank (WB) and the International Monetary Fund (IMF)³⁷ agreed that nationally owned poverty reduction strategies, called Poverty Reduction Strategy Papers (PRSPs), based on the principle of participation and reflecting the situation in individual countries, would provide the basis for all WB and IMF loans and debt relief.³⁸ Given that the focus of development is to be on the poor, there needs to be an emphasis on participation by minorities, refugees and IDPs in the PRSP process. In July 2004, the WB released an evaluation of the PRSP process, noting the need for PRSPs to be tailored to each country's needs and to acknowledge the tensions between conditionality in the programme and the principle of country ownership.³⁹

Albania, Bosnia and Herzegovina, and Serbia and Montenegro have finalized PRSPs as part of their long-term poverty reduction goals. Macedonia has produced

an interim PRSP – an outline of the existing poverty reduction strategy and a plan for the development of a full PRSP – in which there is no mention at all of minorities.⁴⁰ The PRSPs are explicitly linked to the EU integration process, and to the achievement of the MDGs.⁴¹

A Joint Staff Assessment (JSA) of the PRSPs by WB/IMF staff takes place annually and governments submit yearly progress reports on their implementation. One of the evaluation criteria in the JSA is the participation of civil society, including the involvement of minorities.⁴² However, the level of inclusion of minorities in the PRSPs differs from country to country, as does the level of participation of NGOs in PRSP design and implementation. Even the WB/IMF have noted the need ‘to strengthen and institutionalize participatory processes with respect to a broad range of domestic stakeholders, as well as development partners’.⁴³

Albania’s PRSP for 2002–4 made no mention of minorities. A National Civil Society Advisory Group (NCSAG) has been established to coordinate the input and participation of NGOs in the Albanian PRSP process; only one minority NGO representative participated in this. In their second progress report, which comprises a Priority Action Plan for 2004–7 (available on the WB website), Albanian authorities referred to the disadvantaged situation of Roma and Egyptian children in education, but did not include any programmatic activities in this regard.

Bosnia and Herzegovina’s PRSP for 2004–7 includes information and programmatic priorities with reference to Roma, refugees, IDPs and returnees (the majority of whom the government acknowledges to be members of minority groups); however, other minorities, non-constituent persons and members of constituent groups living in areas in which they constitute numerical minorities are not mentioned. The government conducted many meetings in the preparation phase, including with NGOs; however, only six NGO representatives were included and none were mentioned as belonging to minorities. One positive aspect of Bosnia and Herzegovina’s PRSP is that it acknowledges the existence of discrimination on the basis of ethnicity, age and sex in employment and education. The PRSP sets out a number of legislative reforms in order to facilitate sustainable return, including in the areas of the distribution of socially owned land, education, employment, health care, property registration and the harmonization of the Entity laws. Additionally, the PRSP stipulates the depoliticization of education and the assurance of equal opportunities in education for all, via the training of more minority and returnee teachers, decreasing educational segregation, including information on the culture and history of minorities in the national curriculum, and the provision of scholarships and loans.

Serbia and Montenegro’s PRSP (PRSPs drafted independently by the Republic of Serbia and by the Republic of Montenegro, presented in one large document), for 2004–6, refers extensively to Roma (also Ashkaelia and Egyptians in the case of

Montenegro), refugees and IDPs; however, no other minorities are mentioned. The situation in Kosovo is not addressed in the document, except in relation to IDPs from Kosovo in Serbia and Montenegro. Research into the situation of Roma, refugees and IDPs formed the basis of the PRSPs, and the governments consulted quite extensively by comparison with NGOs. However, in terms of what is needed in programmatic priorities, the PRSPs propose relatively little in the way of addressing the barriers to accessing employment, health education and social protection services. One useful component of Serbia's PRSP, and to a lesser extent Montenegro's, is an extensive small and medium-sized enterprises (SME) development strategy which could be accessed by members of minority groups, as well as the provision of micro credit for the poor in both Republics. Serbia's PRSP also mentions the legalization of informal housing, which to a large extent houses minorities, refugees and IDPs.

Minority and inter-ethnic NGOs need to become involved in the PRSP implementation process. While the PRSPs do not provide comprehensive programmatic plans as to how to address the problems of all minorities related to poverty, NGOs can lobby the relevant authorities for inclusion in the programmes that are contained in the documents. NGOs should also familiarize themselves with their country's PRSP;⁴⁴ NGOs can then lobby for specific reference to and programming for minorities, refugees and IDPs in the PRSP progress reports. NGOs can further their involvement in the process via NGO coordination groups where they exist. They can also contact the relevant government representatives, as listed in the PRSP, and the WB NGO liaison point in their country, which can provide them with information as to how they can be included in the PRSP process. Once familiar with the contents of their country's PRSP, NGOs should monitor its implementation, by following up with the government ministries or other actors as listed in the PRSP as being responsible for specific actions, and meeting with the beneficiaries to assess whether the activities have been undertaken and have had the intended impact. NGOs should also contact the WB to inform the WB/IMF JSAs as to the implementation of each country's PRSP, sending information to the relevant people and following up with meetings where possible to ensure that concerns are known.

In addition, the NGO platform, Bretton Woods Project,⁴⁵ based in the UK, facilitates monitoring of the social and environmental impacts of WB/IMF policies and projects. It facilitates networking and the exchange of information between people and NGOs interested in WB/IMF activities, and facilitates contacts with staff of the WB and IMF. NGOs and activists can contact the Bretton Woods Project for advice in planning meetings, reports and campaigns through its current host, ActionAid. Contact information can be found in the appendix.

Further, individuals and NGOs which feel that WB-financed public sector projects (via either the International Bank for Reconstruction and Development or the International Development Association) that have been or could be harmful, should consider submitting a request for inspection to the WB Inspection Panel, a quasi-independent body established in 1993, if they are not satisfied with the outcomes of their prior discussions with WB management. In many cases, this panel's findings have supported the claims of the affected people; however, the management and the board of the WB have not been willing to undertake the necessary changes in all cases.⁴⁶ The NGO Center for International Environmental Law (CIEL) provides support to grassroots activists interested in using this process, and has produced a guide, which is available online at: www.ciel.org/Ifi/wbip.html. CIEL has also produced a draft guide for individuals and NGOs to using the Office of the Compliance Advisor/Ombudsman (CAO) where they feel that WB-financed private sector projects (via either the International Finance Corporation or the Multilateral Investment Guarantee Agency) have had or could have an adverse effect on them or the people they represent. The guide is available at: www.ciel.org/Publications/CAOhandbook.pdf.

United Nations Development Programme

The United Nations Development Programme (UNDP) is a UN agency that is committed to human development and manages funding from outside donors, including many EU funds. It is active in all SEE countries except Greece. Several of the UNDP's strategic goals are relevant to the effective economic participation of minority groups, refugees and IDPs; those of democratic governance, poverty reduction and raising the quality of life within the framework of the MDGs; and crisis prevention and recovery. The UNDP considers human rights a key component of development.

The UNDP's activities in the area of democratic governance focus on: access to information and justice, decentralization and local governance, electoral processes, human rights, parliamentary development, and public administration and civil service reform. The UNDP provides policy advice and technical support to governments, contributes to the building of institutions' capacity, promotes dialogue and shares good practice and knowledge, as well as advocates with the relevant institutions. Given minorities' high level of exclusion from political processes and governing institutions, the UNDP's work is important for the effective economic participation of minorities because it can lead to more accessible government institutions and more transparent processes in which everyone can participate.

Regarding poverty reduction, the UNDP has recently shifted its focus to national level poverty reduction strategies,⁴⁷ and is involved in the WB/IMF PRSP

process. The UNDP encourages NGO participation in the strategy design phase, providing technical support on poverty analysis and monitoring, and mainstreaming pro-poor policy reform. Limited attention has been paid to the specific needs of minority communities. Most PRSP programming focuses on vulnerable or socially disadvantaged groups, without any formal recognition of minorities.

Some of the UNDP's programming has focused on specific minority groups, and especially Roma. In Bulgaria, for example, the UNDP has initiated several projects on education and awareness through advocacy, education and health assistance and job creation and social integration for Roma. Information on UNDP projects by country is available at: <http://www.undp.org>. Additionally, the UNDP produces reports, which provide strong evidence in support of NGO advocacy efforts, including for example, its annual Human Development Reports.⁴⁸

In the Western Balkans, UNDP activities in the area of crisis prevention and recovery have focused mainly on returnee communities. In light of the crisis in Kosovo in March 2004, the UNDP has been working with other organizations to ensure the provision of humanitarian assistance to IDPs. The emphasis on displacement and return implies a heavy focus on minorities and a number of the UNDP's projects in this area are targeted at minorities, although the specific minorities targeted are not always identified.

Much of the UNDP's work is not minority focused. MRG is working on a policy note with the UNDP to improve its working practice on minorities. The discussion paper is available at: www.minorityrights.org/Dev/mrd_policy_undp_main.htm. In addition, UNDP practice notes on poverty and human rights, and the engagement of civil society organizations, which outline the UNDP's policy in these areas and which reference minorities, can be used by NGOs in their lobbying.⁴⁹

Minority and inter-ethnic NGOs should target the UNDP in their advocacy as it is an important development partner, particularly as the UNDP resident representative coordinates its activities with all UN agencies working in the country. Given that the UNDP works primarily with government bodies, it has to be diplomatic in order to appear unbiased. Therefore, NGOs should consider less public methods of lobbying with respect to the UNDP: i.e. private meetings rather than lobbying at public events, letter writing without press releases/media attention, etc. NGOs should also consider coalitions with other groups when lobbying the UNDP. The most effective lobbying of the UNDP will include a focus on the donors whose funds the UNDP manages because, to a large extent, they decide how the funds are allocated.

In order to ensure that their concerns and recommendations related to crisis prevention and recovery, effective economic and political participation, and poverty reduction are considered by the UNDP in its work with government bodies,

NGOs should inform UNDP representatives in their country about these issues. NGOs should lobby the UNDP to recognize the specific situations of different minorities in all areas of its work, and to use its position with governments and donors to facilitate the inclusion of more minorities in development processes. Where the UNDP facilitates communication between NGOs and the government, NGOs can also lobby to be included. Information on the UNDP's specific projects by country and calls for project proposals are available on the country websites at: <http://www.undp.org/dpa/coweblinks/index.html>.

Organization for Security and Co-operation in Europe

Office of the High Commissioner on National Minorities⁵⁰

Established in 1992 in reaction to ethnic conflicts in Europe, the High Commissioner on National Minorities (HCNM)'s mandate is to identify and seek the early resolution of ethnic tensions between the participating states of the OSCE. Mr Rolf Ekéus currently holds this position. All SEE countries are part of the OSCE. The HCNM is independent, mandated to visit states and to engage in preventative diplomacy at the earliest stage of ethnic tensions. The HCNM may submit reports and recommendations to states on issues of concern regarding conflict prevention, which are also submitted to the Permanent Council of the OSCE.

The HCNM mandate focused on conflict prevention. Its work has been ethical with regards to the rights and issues related to the effective participation of minorities. The Hague Recommendations Regarding the Education Rights of National Minorities provides the most elaborate and high standards in the field of educational rights.

The HCNM issued the Lund Recommendations on the effective participation of national minorities in public life.⁵¹ The HCNM relies on information provided by many sources, including NGOs, and may also directly contact relevant people confidentially. A group of 10 advisers assist the HCNM in collecting and analysing information. NGOs should consider contacting the HCNM as the HCNM frequently encourages governments to meet minorities' interests. (Contact information is provided in the Appendix.) Reports and information should be sent to HCNM office in The Hague; all communications should be signed and include the full name and contact information of the sender. A detailed, accurate and factual account of any relevant events should be provided. The HCNM may decide to engage the government concerned should the information/situation fall within its mandate. Substantial feedback as to any

actions taken as a result may not be received due to the high level of diplomacy required in the HCNM's work. However, the HCNM does try to work with minority representatives and the submission of accurate data related to the HCNM's mandate is one way to increase the likelihood that minority NGOs will be involved.

Office for Democratic Institutions and Human Rights – Contact Point for Roma and Sinti Issues

Established in 1994 within the framework of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the Contact Point for Roma and Sinti Issues (CPRSI) works to promote the 'full integration of Roma and Sinti communities into the societies they live in'. The CPRSI focuses on the political rights of Roma and Sinti, on crisis prevention and management in SEE, and on fostering and supporting Roma civil society development in the Balkans. The CPRSI also provides policy advice to OSCE governments, and works to enhance the interaction between Roma NGOs and OSCE structures, governments and international organizations.

Within a project entitled Roma under the Stability Pact for South Eastern Europe, the CPRSI addresses the effective participation of Roma in economic life in the following ways:

- it works on the voting rights of Roma and voter registration
- bringing Roma refugees and IDPs together with local and national authorities to work towards sustainable, joint solutions together
- working towards equal access to housing and legal residence for Roma, particularly as they relate to the ability to access other fundamental rights and freedoms
- assisting Roma communities to work together towards common policy recommendations
- enabling a group of experienced female Roma activists to empower young Roma women to work on Roma issues.

The CPRSI is in the process of establishing local Roma 'contact points' in South-East Europe who will act as intermediaries between the local authorities and the Roma.

The CPRSI is integral to the OSCE's Action Plan on improving the situation of Roma and Sinti within OSCE areas. It addresses issues related to the economic participation, like access to education, economic problems, health care, housing and living conditions and unemployment. It is recommended that the CPRSI provides information on the resources available from foreign donors for housing projects. Under the Action Plan, the CPRSI also helps to develop

programmes to combat discrimination against Roma in employment, establish training programmes and to include Roma in existing programmes.

Roma, Ashkaelia and Egyptian NGOs and activists are encouraged to bring rights violations to the CPRSI's attention. (Contact information for the CPRSI is included in the Appendix.) The CPRSI frequently works with Roma NGOs and NGOs working on Roma rights, and may also be able to offer information on funding opportunities for other projects. The CPRSI is a useful way for NGOs to bring their concerns to their government's attention, and to other relevant bodies.

Country missions

The OSCE has country missions in Albania, Bosnia and Herzegovina, Croatia, Macedonia, and Serbia and Montenegro, plus a mission in Kosovo, as part of the UN interim administration mission in Kosovo (UNMIK). While the mandate of each country mission depends on the country's circumstances, all are heavily involved in the state's political processes.

Several overarching areas of activity are of relevance to minority groups, refugees and IDPs advocating for effective economic participation, these include: democratization, education, human rights, institution building and the rule of law. The OSCE works with government representatives at all levels to strengthen institutions and ensure greater transparency and accessibility for all people, and to facilitate the required legislative reforms in key areas such as access to employment, education, housing and the repossession of property. The OSCE has also helped to create the conditions necessary for the sustainable return of refugees and IDPs, and the missions to Bosnia and Herzegovina, Croatia, and Serbia and Montenegro have devised a joint strategy to facilitate regional returns. The mission to Bosnia and Herzegovina has been particularly strong, and is very accessible with its head office, six regional centres and 20 field offices around the country. This mission has considerable influence and has incorporated minority rights, especially with regard to Roma, into its activities in reforming education; strengthening citizens' and local and regional authorities' respect for human rights and the rule of law, and sustainable return programming. The mission in Kosovo is the largest in the region, while the presence of the missions in Albania, Croatia, Macedonia, and Serbia and Montenegro is smaller. The mission to Albania has supported civil society, and created links between NGOs and governing institutions. The mission to Croatia has been active on minority returns, with an emphasis on the ethnic Serb minority. As part of the UN-led administration in Kosovo, the OSCE mission to Kosovo primarily functions as the institution-building pillar of the administration. It is working to secure strong governmental institutions that respect human and minority rights. The monitor mission to Skopje has worked on confidence-

building measures in support of the Ohrid Framework Agreement, including work related to inter-ethnic communication in education and SME development. The mission to Serbia and Montenegro is working on the implementation of the minorities law and on refugee return.

The OSCE works with NGOs and activists, and builds relations between NGOs and public officials. The OSCE also provides some funding for NGOs. OSCE missions can provide information on projects that NGOs can get involved in. They may also be open to proposals for cooperation by NGOs. NGOs should ensure that OSCE representatives in their countries are aware of their concerns and recommendations in the area of effective economic participation, as they relate to its mandate. This will enable the OSCE to ensure its goals are relevant to the needs of the affected groups. (Contact information for the OSCE missions in all countries is in the Appendix.)

Human Dimension Implementation Meetings

The ODIHR organizes a 10-day Human Dimension Implementation Meeting (HDIM) each year in which there is no OSCE review conference.⁵² Human dimension refers to respect for human rights and fundamental freedoms, democracy, the rule of law, strengthening democratic institutions and promoting tolerance. The meeting brings together OSCE bodies, participating states, NGOs and international organizations to review the implementation by participating states of OSCE commitments in human rights and democracy – including minority rights, refugee and IDP issues.

Accredited NGOs can make oral interventions during the HDIM's working sessions and the concluding plenary session of not more than seven minutes and five minutes, respectively. NGOs may also submit official written statements and recommendations in English, French, German, Italian, Russian or Spanish, which the ODIHR will circulate to all participants. Guidelines for the submission and distribution of NGO documents can be found at: http://www.osce.org/odihr/meetings/2004/hdim/doc/doc_distr.pdf. The ODIHR also provides space for NGOs to display documents, publications and other information.

The HDIM is a good opportunity for minority and inter-ethnic NGOs to voice their concerns to their governments and other interested parties, as well as to network with others involved in similar issues. However, as the OSCE does not finance NGO participation in the meetings, NGOs should consider the feasibility of this option or consider pooling resources with other NGOs and sending one representative. Further information on the HDIM and other meetings organized by the ODIHR is available at: www.osce.org/odihr/?page=meetings.

UN human rights mechanisms (charter-based)⁵³

Several UN mechanisms, whose authority is vested in the UN Charter offer opportunities for minority activists and NGOs to address rights issues, including minorities' effective participation in economic life.

Commission on Human Rights

The Commission on Human Rights (CHR) is a subsidiary body to the United Nations Economic and Social Council (ECOSOC). The CHR meets annually for six weeks in March/April and reports on its activities to the ECOSOC, which meets annually in June. The CHR adopts around 100 resolutions and decisions each year. CHR members – 53 representatives of UN member states – attend the session, which representatives of other governments and NGOs with ECOSOC consultative status, the formal framework for NGO relations with the UN, may attend as observers.⁵⁴

NGOs with ECOSOC consultative status can participate in the sessions of the CHR. Prior to the session, they can submit papers in one of the official UN languages, which will be distributed to all participants as UN documents and be placed on the UN website. NGOs may also make an oral intervention, alone or in partnership with other NGOs, on an agenda item, which cannot be the same as their written statements. In their oral interventions, NGOs should make concrete recommendations as to the steps that are required to address their issue. NGOs without ECOSOC consultative status should liaise with NGOs that do have ECOSOC status to have them raise concerns on their behalf.

Because governments dominate the CHR, NGOs' influence is somewhat limited. Many NGOs use the CHR to initiate dialogue with their governments on the issues they are interested in. It can also be helpful for NGOs that have been unable to get results domestically. Finally, the CHR provides NGOs with a great opportunity to network with other NGOs and experts working in their sphere of interest. Additional information on the CHR is available at: <http://www.ohchr.org/english/bodies/chr/index.htm>.

Special procedures

The CHR has created a series of special procedures – called Special Rapporteurs or Special Representatives (SRs), Independent Experts (IEs) or Working Groups (WGs). SRs, IEs and WGs address both country-specific and thematic issues. None of the country-specific special procedures focus on a SEE country, although there was a SR on Yugoslavia. Nor is there a special procedure devoted

specifically to minority rights. However, minority rights, and especially the effective economic participation of minorities, can be addressed through special procedures, especially:

- the SR on adequate housing as a component of the right to an adequate standard of living
- the SR on the right to education
- the Representative of the Secretary-General on internally displaced persons
- the IE on the question of human rights and extreme poverty.

The activities of each special procedure vary. However, all are involved in information gathering. NGOs can provide information to SRs, IEs and WGs on issues and events related to its mandate, which may be incorporated into annual reports to the CHR. NGOs wishing to submit information should do so through the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. Certain SRs and WGs consider individual communications and some can also undertake country visits. NGOs can take a variety of actions related to country visits. They can provide information to or meet the SR. They can urge the SR to question the government on certain practices or situations, and seek remedies. They can publicize an SR's visit in the national media and use their reports in their advocacy with the government. Information on which SRs, IEs and WGs undertake which actions, and specific guidelines for the submission of information are available at: www.ohchr.org/english/bodies/chr/special/themes.htm.

The Sub-Commission on the Promotion and Protection of Human Rights

The Sub-Commission on the Promotion and Protection of Human Rights (Sub-Commission) is a subsidiary body of the CHR and, therefore, has less influence. However, its members – 26 experts appointed by their governments and acting in their personal capacity – are interested in minority rights issues and should be targeted by NGOs. The Sub-Commission meets once annually for three weeks in August in Geneva. NGOs with ECOSOC consultative status can participate as observers – as do international organizations, intergovernmental bodies and government representatives – and participate in the discussions and submit information. The Sub-Commission makes recommendations to the CHR and adopts resolutions. An item on the prevention of discrimination and the protection of minorities is included in each year's agenda, and minority issues should be raised under other relevant thematic items. The Sub-Commission can only discuss country-specific situations not already dealt with by the CHR, or grave violations of human rights in any country. The Sub-Commission may also establish WGs.

Working Group on Minorities

The Working Group on Minorities (WGM) meets annually for five days in Geneva. As a subsidiary organ of the Sub-Commission, its ability to influence is even further limited. However, NGOs should consider the WGM a useful means for advocacy on minority issues. Particularly since all accredited NGOs,⁵⁵ not only those with ECOSOC consultative status, can voice their concerns to government representatives, intergovernmental organizations, UN agencies and other NGOs.

Its primary functions are to: review the promotion and practical realization of the UNDM, examine possible solutions to problems involving minorities, and recommend further measures for the promotion and protection of the rights of minorities. To meet its objectives, the WGM facilitates discussions on issues of concern between minority groups, governments and other relevant parties. It then reports its findings to the Sub-Commission, which may forward any suggestions for action to the CHR and the ECOSOC.

NGOs wishing to participate in sessions of the WGM can:

- make oral statements
- provide written information
- make recommendations
- respond to any comments made on their interventions
- seek a meeting with their government representatives outside the WGM sessions.

NGOs should first contact the WGM secretariat at the OHCHR to indicate that they are interested in submitting a paper, as not all papers are accepted. Papers that are accepted will be introduced during the session and a discussion will take place, during which time NGOs have an additional opportunity to raise their concerns.

UN human rights mechanisms (treaty-based)

International and regional treaties are legally binding commitments when ratified by governments. Aside from ensuring the protection and promotion of the rights contained in each treaty, governments undertake to reform their domestic legislation and politics to accurately reflect the rights that they have agreed to uphold upon ratification. A first step for NGOs wishing to advance the effective economic participation of minorities, refugees and IDPs should be to lobby their governments for the adoption or amendment of relevant laws and policies, in line with the standards to which their governments have bound themselves.

Treaty-based bodies, which are committees of experts whose authority is vested in the treaties themselves, oversee the implementation of the various international treaties. NGOs can use the following procedural undertakings of the various committees in their work.⁵⁶

Review of state parties' compliance with a treaty

State parties are required to submit reports on the implementation of their obligations under the various treaties to the relevant committee within one year of the treaty's entry into force, then every four or five years, unless specifically requested by the Committee to produce a report (with the exception of the European Committee of Social Rights, which receives annual reports). For example, the Committee on the Elimination of Racial Discrimination (CERD) may request information from states it is monitoring under its early warning and urgent action procedures.⁵⁷ The schedules for the various committees are available on the OHCHR and CoE websites. During their meetings, the committees review reports by state parties, which should outline the legal, judicial, administrative and other measures taken by state parties to meet their treaty obligations, as well as the degree of implementation. Aside from the reports submitted by national governments, the committees consider information submitted by UN bodies, regional bodies and NGOs. The submissions by NGOs are generally referred to as 'shadow reports'.

European Center for Minority Issues

NGO Network for Improvement of Inter-ethnic Relations in Republic of Macedonia has representatives from the six largest ethnic communities in Macedonia: Albanian (Ecological Society Natyra); Vlach (Union for the Culture of Vlachs in Macedonia – Stip); Macedonian (Active for Independent Initiative – Stip); Roma (Humanitarian and Charitable Association of Roma Mesechina); Serb (Centre for Culture and Constructive Action Neven); and Turkish (Organization of Turkish Women in Macedonia – Derya). The group is called the Working Group for Minority Issues and is coordinated by the Roma Humanitarian Association in Macedonia – Sonce.

In March 2004, the group submitted a shadow report on the situation of national minorities in Macedonia within the framework of the FCNM. The report addressed the situation of ethnic minorities in Macedonia and the general shortcomings of the government's report. It also provided information and recommendations on the situation of the Albanian, Roma, Serb, Turkish and Vlach communities regarding discrimination, education and language, participation and integration, and tolerance.

Following the submission of the report, the group organized a press conference and sent the report to all government ministries, members of the government and members of Parliament (MPs). The group also intends to hold a roundtable discussion with government representatives on the report and its recommendations to draft an action plan on the report.

Members of the group cite the importance of their joint work on the report, in strengthening and lending credibility to their message, and in fostering trust and dialogue among the various groups represented. The text of the group's shadow report is available at: www.ecmingonet.org.mk/uk_inet_wmi_docdown.htm.

Information provided by NGOs can greatly affect discussions between the committees and government representatives during review sessions, as it may draw the attention of the committee to information missing from government reports or call into question information in government reports. NGOs that are able to attend sessions of the various committees (with the exception of sessions of the European Committee of Social Rights, which are private) may also set up meetings with members of the committees outside the sessions, during which they can emphasize the importance of their concerns.

Shadow reports by NGOs

NGOs that feel their concerns are not being addressed by domestic authorities should consider submitting information to the various treaty-monitoring bodies (provided that their government has ratified the relevant treaty). Aside from raising awareness of the issues with the concerned body, submitting information to international bodies can contribute to the NGO receiving increased attention domestically. Shadow reports can take significant time and resources, and NGOs should assess whether this is the best option for them. General guidelines in drafting shadow and other reports, include:

- submit the report in one of the working languages of the committee
- present the information in a concise manner. NGOs may also want to consider submitting information as part of a coalition. A good format to follow should include:
 - a cover page/letterhead, with the NGO's contact information and the country and committee concerned
 - the NGO's mandate, including a very brief summary of its work
 - a table of contents
 - a short introduction, including the general situation of minorities and shortcomings of the government's report
 - Article-by-Article or theme-based analysis of the treaty as it relates to the NGO's interests. Statistics are helpful to support the arguments and it is important to choose reliable sources of outside information. NGOs should carefully consider whether to include sensitive information as the report maybe made public
 - summary of main points and conclusions
 - recommendations and questions for the government.

Once the shadow submission has been sent and the review completed, NGOs can fortify their efforts by following up on concluding observations and/or recommendations of the committee concerned. One useful action is to ensure media coverage of the committee's findings in the domestic media, as well as translating the main points into minority languages to ensure the widest possible

audience is informed. NGOs can also lobby government officials for, and monitor, the implementation of any recommendations. If the government fails to implement the recommended measures, NGOs can inform the relevant committee.

The Advisory Committee (AC) of the FCNM also makes country visits as a part of its review process, meeting with government officials, representatives of minorities and international organizations, and NGOs. NGOs can request a meeting with the AC beforehand through the FCNM's secretariat. Country visits are particularly useful because the AC can lobby for greater minority rights provision.

At the end of the review, the committee's concluding observations (the name varies depending on the committee), which list any positive developments during the reporting period, issues of concern and specific recommendations for the state parties, are made public.⁵⁸ Concluding observations are not legally binding upon states but failure to act upon these suggestions represents a state's bad faith regarding its obligations. Activists and NGOs are crucial in publicizing the committee's observations nationally and locally, and in ensuring, via follow-up with the relevant authorities, that these observations are complied with.

General recommendations/general comments

Several committees issue general recommendations or general comments. Unlike the treaties themselves, general recommendations/comments are not legally binding. They elaborate on or aid in the interpretation of treaty provisions. They also guide states in their reporting. General recommendations/comments can be used by NGOs in their domestic advocacy. The following general recommendations/comments are of relevance to the effective participation of minorities in economic life:

CERD	CESCR ⁵⁹	HCR
XXII on refugees and displaced persons	4 on the right to adequate housing	18 on non-discrimination
XXV on gender and racial discrimination	7 on forced evictions	
XXVII on Roma	13 on the right to education	
XXX on non-citizens	14 on the right to health	
	15 on the right to water	

The AC has noted the need to engage in thematic work in response to calls for clarification or guidelines on issues of interpretation of the FCNM. In particular, the need for clarity on key minority rights issues such as education, the media and

participation. The results of the AC's first thematic efforts were not yet public when the guide was published.⁶⁰

Individual communications

The CEDAW, CERD, HRC and the (Revised) ESC have mechanisms whereby individuals and groups of individuals – and NGOs in the case of CEDAW and the (Revised) ESC⁶¹ – who feel their rights under the conventions have been violated can submit communications, like complaints, provided the state concerned has signalled its agreement to this. The treaty status table (see page 66) provides information about which countries have done so. Communications must be made within six months of having exhausted domestic remedies.⁶² Communications should be sent to the secretariat for the relevant committee at the OHCHR or, in the case of the (Revised) ESC, to the secretary general of the CoE, which then forwards the communication to the European Committee of Social Rights, which considers the communication. (Contact information is available in the Appendix.)

Advocacy to strengthen the FCNM and the ICESCR

Many view the FCNM and ICESCR as weak instruments because their monitoring bodies have no power to enforce their findings. A draft optional protocol to the ICESCR, which would provide for individual communications, exists but many governments appear to be against its adoption. Additionally, the fact that the body with ultimate responsibility for monitoring states compliance with the FCNM is made up of government representatives also raises questions as to the strength of the monitoring mechanism. Finally, the general phrasing of the FCNM has also raised concerns about the strength of the treaty and the extent to which it can be enforced. Through their advocacy work, NGOs can strengthen the domestic impact of the FCNM and the ICESCR. This can be accomplished by engaging government actors at all levels in discussions about the measures needed to realize the full implementation of the treaties with respect to the different minority groups in a given country. In the case of the ICESCR, NGOs can lobby their government's permanent representatives to the UN and government officials at home to support the adoption of the optional protocol and the creation of a complaints procedure.

Upon completion of its review on the basis of the communication, the relevant committee issues its opinion or decision, and makes suggestions and recommendations in cases where violations have been found. The suggestions and recommendations are not legally binding upon states; however, they are generally considered authoritative pronouncements and the state concerned is expected to comply with them. Opinions are communicated to the UN General Assembly and the CoE

Committee of Ministers (which adopts a resolution), as well as information on action or inaction by the government on the committee's recommendations, which increases the political weight of the finding.

Where NGOs cannot send communications, they can assist those who feel their rights have been violated in pursuing communications with the various committees. This support can include assistance in drafting and submitting communications, following procedures through nationally available remedies, keeping track of deadlines, providing additional information as needed, and providing psychological support if necessary. Activists and NGOs can also publicize any committee's opinions, and follow up on the implementation of any suggestions or recommendations in order to report cases of non-compliance.

The Council of Europe

The European Committee of Social Rights

The European Social Charter (ESC) (1961), its Additional Protocol (1988), Amending Protocol (1991), Collective Complaints Protocol (1995), as well as the Revised European Social Charter (1996), are the main legal instruments of the Council of Europe for securing social human rights within its member states. They provide protection within the fields of housing, health, education, social protection, non-discrimination.

States that have ratified only the 1961 ESC, are required to implement at least 10 Articles out of 19 or 45 numbered paragraphs of Part II of the Charter. Also, each party must accept at least five of the seven Articles regarded as particularly significant, namely:

- right to work
- right to organize
- right to bargain collectively
- right to social security
- right to social and medical assistance
- right to the social legal and economic protection of the family
- right to protection and assistance for migrant workers and their families.

States that have ratified the 1996 Revised ESC are required to implement no less than 16 Articles or 63 numbered paragraphs of Part II. Also, of the nine Articles regarded as particularly significant, each party must accept at least seven. So, in addition to seven Articles proclaimed in the ESC (see above), it further adds:

- right of children and young persons to protection

- right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex.

Apart from examination of national reports on the implementation in law and in practice of the social rights to which states have committed themselves, the Charter mechanism provides for a *collective complaints procedure*, which was established by the 1995 Additional Protocol. It allows complaints of violations of the Charter to be submitted with the European Committee of Social Rights (ECSR). The Committee examines the complaint's admissibility and its merits. When a complaint is declared admissible, a written procedure takes place – including an exchange of memorials between the parties. A public hearing may take place upon decision of the ECSR. Finally, the Committee takes a decision on the merits of the complaint. The decision is made public four months after being forwarded to the parties concerned and the Committee of Ministers. The Committee of Ministers then passes a resolution. It may recommend that the state concerned take specific steps in conformity with the Charter.

Apart from trade unions and employers' organizations, other NGOs are also entitled to submit complaints under the collective complaints procedure. However, they need to have a consultative status with the Council of Europe and appear on a special list at the Governmental Committee, or be national NGOs from states that have ratified the 1995 Additional Protocol.

More information on the rights guaranteed, the procedures and the list of NGOs entitled to file a complaint is available at: www.coe.int/T/E/Human_Rights/ESC/. Information on the European Social Charter is available at: www.socialplatform.org/module/FileLib/FrequentlyAskedQuestionsontheEuropeanSocialCharter.doc

European Court of Human Rights

The European Court of Human Rights (the Court) was established to ensure states' compliance with the ECHR.

The European Court primarily addresses civil and political rights. However, issues related to effective economic participation have been addressed, including those with particular regard to minorities, although minority rights are not specifically included in the ECHR. For example, in *Connors v. The United Kingdom*, the Court found the UK government in violation of Article 8 (right to respect for private and family life) following the eviction of a Gypsy family from a stopping site. The Court found 'there was a positive obligation on the United Kingdom to facilitate the Gypsy way of life. [...] The family was, in effect, rendered homeless, with the adverse consequences on security and well-being which that entailed.'

Article 14 of the ECHR and Article 1 of Protocol 12 to the ECHR are of particular relevance regarding the effective economic participation of minorities. Article 14, which can only be invoked in conjunction with other substantive provisions of the ECHR, prohibits discrimination in the enjoyment of the rights and freedoms set out in the convention. Article 1 of Protocol 12 provides for a general prohibition on any form of discrimination in the enjoyment of any right set out in law.

Additionally, Article 8 ensures respect for private and family life; Article 10 guarantees the right of freedom of expression, including the use of minority languages; Article 2 of Protocol 1 ensures the right of everyone to education; and Article 2 of Protocol 4 to the ECHR sets out the right of everyone to freedom of movement and freedom to choose one's residence.

Individuals, NGOs and groups of individuals claiming a violation of their rights by the state, as set out in the ECHR, can file an application with the Court. For cases to be declared admissible, applicants must have suffered personally or indirectly from the alleged violation (being the relatives of a direct victim, for example); applications must also be filed within six months of the exhaustion of domestic remedies and must not be anonymous. The Court finds many cases inadmissible, meaning it will not hear them. Cases cannot be submitted twice; therefore, it is imperative that complaints are filed when it is certain that they meet the admissibility criteria set out above. Applications, available from the Court's registrar, must contain the personal details of the applicant and legal representative, a detailed account of the facts, information on the rights set out in the convention allegedly violated, evidence of remedies sought domestically, and judgments and the remedy sought from the Court. The state will be informed of the applicant's identity; however, applicants can request that their identity is otherwise kept confidential, for example that their full name not be included in public documents.

It should be noted that there is a backlog of cases before the Court. Individuals and NGOs that are considering bringing a case need to take into account that it will probably take several years before a judgment is reached. This can have serious negative impacts on the applicant and can also be expensive where the applicant is represented by legal counsel.

Upon ratification by all state parties to the ECHR, Protocol 14 to the ECHR will provide for a restructuring of the Court to enable it to deal more effectively with its case load.

Priority may be given to urgent cases upon request, but this should only be done in cases where there is an imminent and serious risk posed to the applicant. Interim measures may also be sought, whereby the Court may ask the state to provide protection against or refrain from potentially harmful actions. Interim measures

have been sought in cases where members of minorities displaced from the area of the former Yugoslavia were facing expulsion from their country of asylum.

During the investigation process, NGOs may be able to provide expert evidence, through the process of 'third-party interventions'. Permission should be sought from the president of the Court for this.

All judgments of the Court are publicly available. Judgments determine whether a violation has occurred, and award monetary damages and costs where violations have been found. Publicizing Court judgments regarding minority issues is an important NGO function. The authorities in a given country, from the local to the national level, the general public, and especially members of vulnerable groups such as minorities, should be made aware of any violations of the ECHR. NGOs can also lobby the relevant authorities to ensure compliance with a Court decision or, alternatively, provide information to the Committee of Ministers when the responsible authorities are not complying with a Court judgment.

NGOs can also be very helpful to applicants using the ECHR, who may require psychological or other forms of support. Undertaking such an action will probably place the applicant, who has already suffered an abuse, in the public eye where they may be subjected to further harsh treatment or harassment. This is a violation of rights in itself. NGOs should help applicants to deal with victimization and consider bringing such incidents to the attention of the relevant authorities or the Court.

National mechanisms

In addition to the laws, processes and programmes SEE governments have committed to at the regional and international levels, some SEE governments have adopted national policies, programmes and legislation to address the specific problems of minorities, refugees and IDPs within their territories. This is often the result of pressure being placed on governments to bring their domestic structures in line with the international standards to which they have committed themselves. NGOs can use the laws and policies discussed below in their efforts to secure the effective economic participation of minority groups, refugees and IDPs. They should inform the relevant actors at the regional and international level in cases of non-compliance. NGOs can ensure that minorities are aware of the relevant provisions contained in the laws and policies. They can quote from these documents in their advocacy at all levels – local, national or international. NGOs can assist people who have been excluded from rights and programmes in filing claims with the bodies which oversee the implementation of the laws and policies, and they can advocate for the adoption of laws and policies where none exist.

National laws on minorities

Recently, Bosnia and Herzegovina, Croatia, and Serbia and Montenegro have adopted laws on minorities. The Ohrid Framework Agreement⁶³ signed at the end of the civil conflict in Macedonia in 2001 contains many minority rights protections. No such comprehensive laws exist in Albania, Bulgaria, Greece or Romania. The above-mentioned laws set out several protections for minorities relevant to effective economic participation, including in the areas of education and increased representation at the political level.

Bosnia and Herzegovina's Law on the Protection of the Rights of Members of National Minorities entered into force in May 2003. Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Slovaks, Slovenes, Turks and Ukrainians are officially recognized as national minorities at Article 3, strengthening their position with regard to accessing the rights set out in the law. However, the law limits protection to those minorities with citizenship of Bosnia and Herzegovina. Article 4 prohibits discrimination against members of minority groups and any actions aimed at the forced assimilation of minorities. Articles 13 and 14 guarantee members of national minorities the right to establish private educational institutions and receive public education in their own language should they so wish. The law also allows for special measures.

Austrians, Czechs, Germans, Hungarians, Italians, Jews, Ruthenians, Serbs, Slovaks and Ukrainians are recognized as national minorities in Croatia's Constitution. In December 2002, Croatia's Constitutional Law on the Rights of National Minorities entered into effect. The law does not recognize specific minorities; rather a national minority is defined, at Article 5, as:

'a group of Croatian citizens, whose members have been traditionally settled in the territory of Croatia, and who have ethnic, linguistic, cultural and/or religious characteristics which are different than those of other citizens [...].'

Article 2 of the Law sets out Croatia's recognition of and protection of the rights set out in various international documents, including the FCNM, the ICESCR and the UNDM without discrimination.

Case study

ASK, an inter-ethnic NGO based in Podgorica, Montenegro, engages in a range of advocacy actions with three explicit objectives: formal recognition of Bosniac, Croat and Roma minorities; adoption of the Law on Minorities by the Montenegrin government; and recognition of the importance of minority language education and inclusion in Montenegro's education system. ASK employs several advocacy methods to maximize the impact of its work:

- **media work:** ASK works with media sources likely to present unbiased information. It also works with media outside Montenegro; for example in Croatia to influence the Croatian government to engage in diplomacy with Montenegrin authorities for formal recognition of the Croatian minority in Montenegro.
- **training:** ASK uses training to brainstorm with representatives of minority communities to draft or revise recommendations to local and national authorities in all areas of minority rights. This allows ASK to remain in touch with the minority communities it advocates on behalf of, and to ensure that the measures it advocates for reflect the voice of the affected communities.
- **lobbying:** ASK lobbies public officials, locally and nationally to push forward its objectives and target representatives of intergovernmental bodies. For example, it provided recommendations to the government commission established to review the Draft Montenegrin Law on Minorities and, at the March 2004 session of the WGM, ASK made an oral intervention in which it noted concerns and made recommendations on Montenegro's Draft Law on Minorities.

To date, a draft Law on Minorities, which formally recognizes Albanian, Bosniac-Muslim, Croat and Roma minorities, exists in Montenegro. In 2004 the Montenegrin Council on Education officially included a minority language class in

the Republic curriculum, which includes teaching Croatian and Bosnian. ASK notes, however, that its advocacy efforts in this area continue as the Roma language is not included in the programme and it has found that education is only delivered in the Serbian language.

ASK also notes that advocates risk estranging those they ultimately rely on to undertake policy or legislative changes. It stresses the importance of being strong and knowledgeable, while avoiding a confrontational style that may alienate the people you are targeting.

National minorities shall enjoy positive (or special) measures, in accordance with Article 3. Article 4 forbids discrimination against members of national minorities, and guarantees equality before and equal protection under the law. Under Article 11, national minorities have the right to all levels of education in their own language and script, and to establish their own educational institutions at all levels, in accordance with the law. Articles 19 and 20 set out requirements for political representation of national minorities at the national and local levels, and Articles 23–36 set out the establishment of councils for national minorities at the local, regional and national levels. Following elections in February 2004, the councils for national minorities were established, and minority representatives were elected in areas in which they were under-represented at the local and regional levels. The councils' activities have, however, been related only to their establishment and securing funding.⁶⁴ The text of the law is available at: www.osce.org/documents/mc/2002/12/1921_en.pdf.

Signed in August 2001, Macedonia's Ohrid Framework Agreement establishes, inter alia, the principle of non-discrimination and equal treatment of all under the law, under Article 4. It states that this principle will be applied in particular with respect to employment in public administration and in public enterprises and access to public financing for business development. It provides minority language education at the primary and secondary levels; funding for university education in minority languages spoken by 20 per cent of the population and positive discrimination at the university level 'until enrolment reflects the composition of the population of Macedonia'.⁶⁵ It further guarantees the use of minority languages in the public sphere where these are spoken by more than 20 per cent of the population; the participation in decision-making on issues of local relevance and particularly economic development, education, environmental protection, public services, social security, and urban and rural planning. Annex C provides for measures to ensure the return of Macedonian refugees and IDPs to their homes. The implementation of the Ohrid Agreement is proving to be restrictive, particularly with regard to the 20 per cent threshold, as only the Albanian minority numbers more than 20 per cent of the population. Minority groups that do not meet this requirement, as

well as Albanian communities that do not constitute 20 per cent of the population in a given municipality, do not benefit from the protections afforded.

Serbia and Montenegro's State Union Charter on Human and Minority Rights and Civil Liberties was adopted in 2003. The law applies to all members of national minorities, not only those members with citizenship of Serbia and Montenegro. In accordance with Article 7, generally accepted rules in international law and treaties related to human and minority rights to which Serbia and Montenegro is a party shall be directly applicable. Section III sets out the rights of national minorities, including, at Article 47, the right to elect their own national councils in accordance with the law. Article 49 prohibits discrimination and provides for regulations, measures and actions aimed at securing the full enjoyment by members of national minorities of rights on equal terms with others when they are in a position of inequality. Article 52 sets out the right of national minorities to education in their own language in state schools and to establish their own private education institutions at all levels. It also provides for the right of national minorities to adequate representation in local government institutions, public services and state authorities. Finally, Article 55 stipulates the responsibility of Serbian and Montenegrin authorities to adopt, as necessary, appropriate measures to ensure full and effective equality between members of national minorities and members of the majority in all spheres of economic, social, political and cultural life. National Councils representing Bosniacs, Bulgarians, Bunjevacs, Croats, Greeks, Hungarians, Roma, Romanians, Ruthenians, Slovaks and Ukrainians have been established. The text of the Charter is available at: www.mfa.gov.yu/Facts/charter_min.pdf.

The linking of protections afforded under the laws in Bosnia and Herzegovina and Croatia to citizenship is detrimental to many minorities who became stateless as a result of the break-up of the former Yugoslavia. It also goes against practices at the international and European levels, as shown in the treaty status table (see page 66). Another problematic feature of Serbia and Montenegro's law, is the provision for the derogation of human and minority rights during official wars or states of emergency. NGOs should also ensure international and regional treaty-monitoring bodies are aware of this and lobby them to take up the issue, as well as the institutions of the OSCE. Aside from the proper implementation of the laws, NGOs should lobby their governments for amendments to their respective laws on minorities for protection of *all* minorities resident in a given country at *all* times. They should also lobby government officials to step up their efforts to resolve the issue of statelessness among minorities. Where councils for national minorities have been provided for, NGOs should advocate for their establishment. Where such councils do exist, NGOs should use the council's relationship with government bodies to advocate for solutions to their concerns. In countries where no

such laws exist, NGOs should lobby their governments for their adoption, and take an active part in the drafting process.

Anti-discrimination legislation

The adoption of comprehensive anti-discrimination legislation, in line with the EU Article 13 Race and Employment Directives, is a legal requirement for all EU member states. It is also required from the EU candidate countries. For EU member states, such as Greece, the deadline for transposing the Race Directive was 19 July 2003. As the only EU member state in SEE, Greece set a bad example by not undertaking the necessary legislative reforms by the deadline set by the EU.⁶⁶ Bulgaria and Romania, which will join the EU in 2007, have adopted comprehensive laws aimed at combating discrimination, as has the administration in Kosovo. Croatia hasn't adopted comprehensive anti-discrimination law yet. It only amended its Labour Act to include a prohibition on direct and indirect discrimination in all stages of employment and professional training (Bylaw 114/03).

Test case in Bulgaria

NGOs have been bringing cases of discrimination before Bulgarian courts to secure remedy for victims of discrimination and to test the implementation of the law.

On behalf of Mr Anguel Assenov, a Bulgarian Roma man, in February 2004 the NGOs Roma Baht Foundation (RBF) and European Roma Rights Center (ERRC) filed a complaint of discrimination in access to employment against Kenar Ltd with the Sofia District Court. The case was filed when a Kenar Ltd representative refused Mr Assenov a job interview after learning of his ethnicity in the presence of RBF employees. On 13 August 2004, the Sofia District Court issued a finding of discrimination in access to employment and ordered Kenar Ltd to end its discriminatory hiring practices and pay Mr Assenov compensation.

The RBF and the ERRC stress that litigation is important because it not only concerns the specific case at hand, but can set legal precedents that must be applied to similar cases in the future, therefore impacting on wider society. The RBF and the ERRC also note that litigation is a way of raising public awareness about a particular practice and/or case, and may be best undertaken as one component of a larger advocacy strategy, which may include lobbying, working with the media or research, for example.

On 1 January 2004, Bulgaria's Protection against Discrimination Act came into force. It applies to everyone on the territory of Bulgaria (Article 3) and includes a ban on both direct and indirect discrimination on the basis of race, sex, religion, disability, age and sexual orientation (Article 4). It provides for special measures

protecting the identity of ethnic and other minorities and guarantees the equal participation of ethnic minorities in education. The burden of proof is shifted to the respondent where the complainant produces evidence that there has been discrimination.

The Act establishes a 'Protection against Discrimination Commission'. This is a nine-member independent body which individuals, groups of individuals and NGOs can use to file complaints against the state or private persons upon establishment. Claims made by NGOs in their own right are particularly important where victims may be unwilling to engage in litigation for fear of reprisal, as is often the case with members of marginalized minority groups.

This body should have been established by March 2004, however, as of March 2005 (when this guide was published), this had not happened. In 2004, Bulgarian courts had issued positive decisions in several cases involving Roma discrimination. The text of the law can be found at: www.legislationline.org/view.php?document=60375&ref=true.

Article 1 of Romania's Law no. 48/2002 guarantees equality and prohibits discrimination on the basis of ethnicity, among others, in the exercise of fundamental rights and freedoms. Article 2 provides that special measures can be taken where minorities do not enjoy equal opportunities. Under Article 3, the protections available under the law are applicable to all public and private natural and legal entities, and public institutions active in employment, social protection and social security, public services and education. Articles 20 and 21 set out sanctions and damages under the law. Article 22 provides that human rights NGOs can bring legal actions within their field of activity under the law and Article 23 sets out the establishment of a National Council for Combating Discrimination (NCCD) to oversee the implementation of the law. The NCCD was established in 2003. The NCCD is supposed to be an independent body; however the Prime Minister appoints the president of the Council. The NCCD's work has not been very encouraging to date. The investigation process has not always been transparent and the NCCD has decided not to announce when investigatory visits will take place. In several instances, neither claimants nor their representatives have been informed beforehand and in several instances have not been present for interview during investigatory visits.

In August 2004, the UN interim administration mission in Kosovo promulgated the Anti-Discrimination Law no. 2004/3. At Article 2, the law covers both direct and indirect forms of discrimination, as well as harassment, segregation and victimization, on any basis, including race, nationality, ethnic origin and sex. In accordance with Article 4, the law applies to public bodies and private individuals, regarding conditions for access to education, employment, housing and other forms of property, participation in public affairs and social advantages including

humanitarian assistance, among others. Article 6 provides for special measures, while Article 7 sets out that individual or groups of individuals can file claims with the competent administrative body or court. Article 7 also sets out that NGOs can act on behalf of individuals and/or groups of individuals. Article 8 provides for shifting the burden of proof once a reasonable claim is made. The law provides for the establishment of a specialized body called the Centre for Equal Treatment to eventually hear all discrimination cases, and sets out that the Ombudsperson may also investigate claims of discrimination. The text of the law is accessible at: www.unmikonline.org/regulations/2004/re2004_32ale04_03.pdf.

Comprehensive anti-discrimination laws provide various advocacy opportunities for NGOs. First, under some laws, NGOs can file complaints in their own right where they feel a practice or law discriminates against minorities. NGOs can also use the adoption of comprehensive anti-discrimination laws in their domestic advocacy efforts, contributing to public officials', the public's and minorities' increased awareness. Campaigns intended to inform minorities of their rights under anti-discrimination laws and of their options under the laws are a good way to contribute to minorities' increased economic participation. Where such laws exist but are problematically enforced, as in Romania, NGOs should inform the competent government officials, as well as international and regional bodies with an interest in ending discrimination, and lobby for the effective enforcement of the laws. In countries where no such laws exist, the targeted lobbying of government officials on the issue is key. NGOs could also lobby to be involved in the drafting process of new laws.

Minority strategies

The disadvantaged situation of minorities and the sustained advocacy by NGOs, intergovernmental organizations, UN agencies and other international bodies has led to the adoption of strategies by the government for the full realization of rights for minorities. Many of these focus on Roma, as do many of the examples in this guide, but others focus on minorities and refugees generally. However, the strategies have proven ineffective to date as they are not in line with other poverty reduction measures, and governments have shown little political commitment and have taken almost no steps towards their implementation. The following paragraphs outline relevant provisions of the strategies that exist, and means to lobby for their improvement and implementation.

Albania's National Strategy Aimed at Improving the Living Conditions of the Roma Minority, approved in 2003, sets out actions on: access to health and infrastructure, access to the legal system, cultural preservation, education, employment and social protection, increasing economic participation, increasing public

order, and public administration. The strategy sets out the government bodies responsible for each of the activities, in cooperation with Roma organizations. There are budgetary allocations and information as to where the funds are to come from. However, there is no deadline as to when the objectives should be met. As of the time of writing, there had been little implementation of the government strategy.

In February 2004, the Action Plan on the Education Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina was adopted by the Council of Ministers. It sets out to promote systemic change in the education of Roma children. It promotes actions to address financial and administrative barriers to school enrolment and completion, such as scholarships for Roma pupils of all grades and budgetary allocations to buy school supplies. The plan further provides for the preservation of Roma language and culture, via the introduction of Roma language classes and courses on Roma culture and history. The plan calls for the support and participation of Roma parents and communities, through Roma language information forums, visits to Roma communities by the relevant authorities, and encouragement for Roma parents to participate in school boards. The plan also calls for an increase in the number of Roma teaching staff and sensitization of non-Roma teaching staff to the needs of Roma pupils. It also requires the relevant authorities to include information on the culture, history and literature of national minorities in the mainstream curriculum; and seeks to ensure that national minorities have access to such classes for the preservation of their culture. The relevant authorities are also required to promote systemic change for national minorities' education. The plan was elaborated with minority representatives and sets out the responsible authorities for each action. There are no budget allocations specifically included; the responsible authorities should provide the necessary funding for the initiatives set out. The text of the plan is available at: www.oscebih.org/documents/80-eng.pdf.

Equal access for Roma children

The inter-ethnic Equal Access Foundation (EAF), Bulgaria, advocates for desegregation in education for Roma children. The emphasis is on eliminating the segregated Roma school environments throughout the country and integrating Roma pupils with their non-Roma peers. In the last year, the EAF lobbied experts in the Ministry of Education and Science, and the Ministry of Finance. The chair of the EAF also participated in the Ministry of Education and Science's Consultative Council on Education of Children and Students of Ethnic Minorities, which worked on a draft strategy for integration in education. The EAF has supported its lobbying efforts with media and letter-writing campaigns.

In most cases, the EAF says, it looks to cooperate with other NGOs in order to broaden the reach of their campaigns: 'When there are many people/organizations

pushing for one and the same thing, it is more likely to happen.' The EAF feels campaigns based on best practice in the area of education desegregation and international laws are the most successful. In part due to the EAF's effort, the Ministry of Education and Science adopted the Strategy for Educational Integration of Children and Students of Minority Origin in June 2004. The EAF stresses the importance of identifying the right person in the institution or office it is targeting. Focusing efforts on people who are either not involved or not interested in the issue is a waste of time and energy.

Bulgaria's Framework Programme for Equal Participation of Roma in Bulgarian Society, adopted in 1999, foresees the development and implementation of training and employment programmes for Roma and the creation of state subsidies for businesses that hire Roma. It also sets out land should be made available for Roma, particularly for agricultural use, that steps be taken towards the legalization of 'illegal' Roma neighbourhoods, and that Roma housing be improved through access to credit. The plan stipulates the desegregation of education in the country and provides that the government make available Roma language education. A special emphasis is placed on the inclusion of Roma women in education. At a national roundtable in 2003, Roma NGOs protested at the government's failure to implement the Plan, which led to the adoption of an Action Plan for the Implementation of the Programme, which sets aside funds for teaching assistants and textbooks, and establishes programmes to combat long-term unemployment and for the improvement of several Roma neighbourhoods. The programme for teaching assistants has, however, been criticized by Bulgarian NGOs and there were problems with the provision of textbooks. In addition, Roma NGOs were accorded only limited involvement in the drafting of the Action Plan. In June 2004, the Minister of Education and Science approved the Strategy for the Educational Integration of Children and Students from Ethnic Minorities, which is linked to the UNESCO and UN Programme Education for All and the Decade for Roma Inclusion 2005–15. Some NGOs were involved in the drafting process of the strategy; however, these were not representative of all minorities in the country. Neither the action plan nor the strategy are financed by the Bulgarian government; international assistance is required. The Bulgarian government's commitment to integrated education seemed questionable – particularly after a bill for the establishment of a government fund for education desegregation was rejected during its second reading in the Bulgarian parliament in October 2004. Further information on the Framework Programme and the Strategy for Educational Integration can be found at: www.ncedi.government.bg/en/index.html.

Croatia's National Programme for the Roma, adopted in October 2003, recalls the importance of international human and minority rights for the full realization

of rights by Roma. The programme includes activities aimed at resolving statelessness and Romas not being registered, which is a prerequisite for accessing many rights related to economic participation. The programme also includes measures for monitoring discrimination against Roma and sanctioning the perpetrators of such. The Croatian government's plan includes scholarships and housing assistance for Roma high school pupils in need, as well as scholarships for Roma pupils at higher education institutions. Local governments are to include about 100 Roma in public works programmes per year in unskilled and semi-skilled positions. The programme offers employment training for about 200 Roma per year, with an emphasis on Roma women. The plan also foresees the provision of small grants and small business plan development assistance for 50 Roma per year, and introduces wage subsidies for employers who hire Roma registered with employment bureaus. As regards housing, the relevant authorities are to work towards the legalization of informal Roma settlements. The Croatian government's plan is beset with stereotypes and its provisions indicate that the responsibility for the situation of Roma sits squarely on the shoulders of Roma themselves, without taking external factors into account. The targets also fail to meet the needs of the situation facing Roma. Unlike strategies in other countries, the plan does indicate which authorities are responsible for the implementation of each provision and by what time, and allocates a set amount of funding for each. However, as of June 2004, no funds had been allocated for the implementation of the activities scheduled for that year. In December 2004, several Roma NGOs sent a public letter noting the lack of implementation of the programme to the point that, of 96 projects recently announced, only three were by Roma NGOs. Nevertheless, the document does provide a good basis from which to advocate for the initiation of the scheduled activities and for the amendment of problematic areas.

Greece's 10-year Comprehensive Programme of Action for the Social Integration of Greek Gypsies, adopted in 2001, envisions action along two lines.⁶⁷ The first, called 'infrastructure', primarily addresses housing and has a budget of about €180 million. The second, called 'services', addresses education and vocational training programmes, as well as cultural and health programmes, and has a budget of around €120 million. The Programme sets out the further segregation of Roma in Greece via the opening of 60 camps for itinerant Roma, the repair of about 1,200 houses and the purchase of 1,500 acres of land on which the state will build 100 new settlements, as well as the construction of 4,000 new houses. Aside from reinforcing the segregation of the Roma community in Greece, the Greek government has taken almost no steps towards the Programme's implementation.

The Standards for Kosovo, introduced by the UN interim administration mission in Kosovo in December 2003, provide a detailed outline of the requirements that must be met before the question of Kosovo's status is addressed. The

needs of minority communities are addressed throughout the document, although the needs of specific minorities are rarely mentioned. Eight categories of democratization are covered, and the March 2004 Kosovo Standards Implementation Plan elaborates the actions required to meet the standards, and sets out the responsible authorities and supporting actors. The Implementation Plan, however, does not indicate the sources of funding for the activities and provides only a general timeline. The text of the Standards for Kosovo is available at: www.belgrade.usembassy.gov/current/031216b.html.

The implementation plan is available at: www.operationkosovo.kentlaw.edu/symposium/resources/KSIP%20final%20draft%2031%20March%202004b.htm.

Romaa's 10-year Strategy for Improving the Roma's Condition, adopted in 2001, sets out a number of measures which, if implemented, will assist in the effective economic participation of Roma. In the strategy, the Romanian government undertakes to resolve issues related to the ownership of housing and to rehabilitate Roma housing. The government is also committed to developing financing programmes for ensuring minimum conditions of housing for Roma. The strategy stipulates financial subsidies for businesses that employ Roma without any means of support, and foresees training and professional orientation programmes for Roma. It also provides for guaranteed places for Roma in universities and colleges, and for the creation of scholarship programmes. However, since the adoption of the strategy in 2001, the Romanian government has taken few steps towards its implementation. The programmes have not caught on at the local level and there is little knowledge of how to implement the measures. The financial and material resources available are insufficient.⁶⁸ Following criticism by the EC on its measures to improve the situation of Roma, the Romanian government announced the establishment of the National Agency for Roma that will take over responsibility for the implementation of the strategy in October 2004. The text of the strategy is available at: www.publicinfo.ro/INITIAT/strategia%20pt%20romi%20engl.pdf.

A comprehensive draft Strategy for the Integration and Empowerment of Roma, drafted in cooperation with a Roma working group, exists in Serbia and Montenegro, but as of March 2005, the government had not adopted it. The draft covers all issues related to the disadvantaged situation of Roma. It describes the current situation, examines existing initiatives and provides recommendations for action. Similarly, a draft Strategy for Roma in the Republic of Macedonia has been commissioned by the Macedonian Ministry for Labour and Social Policy; however, Roma activists and NGOs in Macedonia were not included in the drafting process. As of February 2005, there had been some consultation with Roma organizations and activists; however the Strategy had not been adopted. Neither strategy includes a detailed timeline, plan of action or budget.

NGO action

Where there is no relevant minority strategy, NGOs might consider the following:

- lobbying for the introduction of a minority strategy. Targets could include minority councils and ministries.
- developing sectoral policies and strategies. NGOs should assess to what extent minorities are considered in sectoral policies. NGOs can ask to be involved in civil society consultations, lobbying for involvement in design and implementation, and monitoring and education.
- assessing which existing governmental programmes impact on minority groups. NGOs can lobby for improved targeting of minorities or their inclusion in mainstream programmes with increases in budgets and minority participation from concept to delivery.

NGOs can use policy targets, where they exist, for advocacy with the relevant authorities at local and national levels, for the implementation of their rights as reflected in the strategies. NGOs should advocate for the full implementation of the programmes, where those programmes will improve the situation of minorities, as steps towards minorities' effective economic participation. NGOs should inform international bodies, including the various treaty-monitoring bodies, of their government's failure to adhere to its own policy document, because, in many cases, the government uses the adoption of the strategy to show its respect for minority rights. NGOs can also use the strategies to lobby government representatives and international actors involved in the design, implementation and monitoring of government programming and legislative reform at the national level.

Ombudsperson institutions

All SEE countries have ombudsperson institutions. Their role is to protect the people against violation of rights, abuse of powers, negligence, unfair decisions and maladministration. These should improve public administration, transparency and make the government and its servants more accountable to the public. Ombudsperson institutions are important for minorities, refugees and IDPs in SEE because of their role in ensuring that all people are treated fairly and equally by government bodies and their representatives at all levels. Ombudsperson institutions can play an important role in monitoring and guiding the work of local-level government administrations, which often administer public employment, housing and educational programmes. Links to the ombudsperson institutions in SEE, with the exception of those in Serbia and Montenegro can be

found at: www.anticorruption.bg/ombudsman/eng/readnews.php?id=2901&lang=en&t_style=tex&l_style=default.

Ombudsperson institutions by country

Country	Status
Albania	People's advocate
Bosnia and Herzegovina	Human rights ombudsperson (one from each constituent group), as well one ombudsperson in each of the entities
Bulgaria	Ombudsperson
Croatia	Ombudsperson
Greece	Ombudsperson, including a deputy ombudsperson for human rights
Macedonia	Public attorney (specifically linked to minorities)
Serbia and Montenegro	Ombudsperson for the Republic of Montenegro, ombudsperson Institution in Kosovo, Ombudsperson for Vojvodina
Romania	People's advocate

They are both arms of the government and a government watchdog. The ombudsperson is either elected by government or appointed, which can lead to the politicization of the office and a very weak institution. The independence of ombudsperson institutions is strengthened by such elements as their election, being positioned as an independent institution rather than established within existing government offices or ministries, and having an adequate budget as stipulated in law. However, even with such guarantees, the strength and independence of ombudsperson institutions depends on the ombudspersons themselves. These institutions are weak in many SEE countries. Publicizing the work of ombudsperson institutions is one way NGOs can help to ensure their strength and independence.

Ombudsperson in Greece

The NGO Greek Helsinki Monitor (GHM) sends written notifications to the Greek ombudsperson and files complaints about the non-response of government officials and law enforcement authorities to its inquiries. It aims to bring more transparency to public institutions and to ensure they act in accordance with the law.

The GHM has targeted the ombudsperson in cases related to: data protection, education, housing and evictions, education, launching disciplinary investigations and access to information on these, and various aspects of asylum seekers' and migrants' rights. The GHM feels that its work with the ombudsperson has been extremely useful in that, as a state institution, the ombudsperson can reaffirm the

NGO's documentation and act as a strong partner in ensuring that other government agencies improve their actions on human and minority rights.

The investigations of ombudsperson institutions hold a high level of validity and can bring forth information not always readily accessible by NGOs. Additionally, the GHM believes the findings of ombudsperson institutions carry legal weight, which increases their validity and strength. The GHM encourages other NGOs to target the ombudsperson institution in their country.

Depending on the laws that govern their mandate, ombudsperson institutions are authorized to undertake a range of activities. These can include: report writing, research and investigation, or issuing warnings, suggestions, recommendations and sanctions, as well as informing the public about the activities of the office. Individuals and, in some cases, NGOs can file complaints to the ombudsperson regarding rights violations – including violations committed by neglect of duty or other irregularities – committed by state authorities, public bodies or their representatives in the execution of the duties within their remit. The ombudsperson decides whether or not to investigate individual claims, and may also instigate investigations where no formal complaint has been filed.

Ombudsperson institutions can be very useful to NGOs, depending on their strength. Many take the role of NGOs in society seriously. NGOs should consider submitting information, filing complaints with or meeting with the ombudsperson in their country or region. Ombudsperson institutions may be helpful in forcing government bodies to respond to the inquiries and calls for action by NGOs. NGOs can also publicize the work of the ombudsperson and monitor the implementation of any suggestions or recommendations by the relevant authorities, and inform the ombudsperson in case of non-compliance.

NGOs can also assist individuals file complaints with ombudsperson institutions when they feel their rights have been violated, and provide support. Assistance can take the form of preparing the formal complaint, making sure the relevant facts are presented in the complaint, and attending any meetings between the ombudsperson and the complainant.

Appendix 1

Useful contacts

UN Office of the High Commissioner for Human Rights

8–14 Avenue de la Paix
CH–1211 Geneva 10, Switzerland
Tel: +41 22 917 9000
Fax: +41 22 917 9016

**Clearly state the name of the mechanism on all correspondence*

**Submissions to treaty-bodies as follows:*

Fax: +41 22 917 9022,

Email: tb-petitions@ohchr.org

UNDP Regional Bureau for Europe and the CIS

Bratislava Regional Centre
Grosslingova 35
811 09 Bratislava, Slovak Republic
Tel: +421 (2) 59337 111
Fax: +421 (2) 59337 450

Email: registry.sk@undp.org

**Contact information for UNDP country offices is available on the individual country's website, accessible via the UNDP's mainpage at: <http://www.undp.org>*

UN NGO Liaison Office

Palais des Nations
Room 153, CH–1211 Geneva 10, Switzerland
Tel: +41 22 917 2127
Fax: +41 22 917 0583
Email: Ungeneva.ngoliason@unog.ch

Related to ECOSOC status:

NGO Section of the UN Department of Economic and Social Affairs

Room DC1–1480
United Nations, New York, NY
10017 NY, USA
Tel: +1 212 963 4842
Fax: +1 212 963 9248

OSCE OHCNM

Prinsessegracht 22
PO Box 20062
2500 EB The Hague, The Netherlands
Tel: +31 70 312 5500
Fax: +31 70 363 5910
Email: hcnm@hcnm.org

OSCE ODIHR

Aleje Ujazdowskie 19, 00–557 Warsaw, Poland
Tel: +48 22 520 06 00
Fax: +48 22 520 06 05
Email: office@odihr.pl

OSCE ODIHR CPRSI

Aleje Ujazdowskie 19, 00–557 Warsaw, Poland
Tel: +48 22 520 06 00
Email: roma@odihr.pl

OSCE Mission to Bosnia and Herzegovina Press and Public Information

Fra Andjela Zvizdovica 1
71000 Sarajevo, Bosnia and Herzegovina
Tel: + 387 33 752 100
Fax: + 387 33 442 479

OSCE Mission to Croatia

Florijana Andra_eca 14
10000 Zagreb, Croatia
Tel: +385 1 3096 620
Fax: +385 1 3096 621

OSCE Mission in Kosovo

Belgrade Street 32
38000 Pristina, Kosovo
Tel: (+381 38) 500 162
Fax: (+381 38) 500 188

OSCE Mission to Serbia and Montenegro

_akorska 1
11000 Belgrade, Serbia and Montenegro
Tel: +381 11 3672 425
Fax: +381 11 3672 429

EU Directorate-General Employment and Social Affairs

Commissioner for Employment and Social Affairs, Mr Stavros Dimas
B-1049 Brussels, Belgium
Fax: +32 2 29 82 099

EU Directorate-General Enlargement

Commissioner for Enlargement,
Mr Günter Verheugen
European Commission, CHARL 6/236
Office address: Rue de la Loi/Wetstraat 170
B-1049 Brussels, Belgium
Fax +32 2 29 91 777

EU Directorate General External Relations

Commissioner for External Relations, Mr Chris Patten
European Commission
B-1049 Brussels, Belgium
Fax: +32 2 29 67 912
**EU country delegation information available at: www.europa.eu.int/comm/external_relations/delegations/intro/web.htm.*

EuropeAid Co-operation Office

Directorate A 'Europe, Caucasus, Central Asia'
B-1049 Brussels, Belgium

Council of Europe Secretary-General

Avenue de l'Europe
67075 Strasbourg Cedex
Tel: +33 3 88 41 20 00

Secretariat of the Framework Convention for the Protection of National Minorities

Avenue de l'Europe
67075 Strasbourg Cedex
Email: minorities.fcnm@coe.int

European Court of Human Rights, The Registrar

Council of Europe
F-67075 Strasbourg Cedex, France
Tel: +33 3 88 41 27 18
Fax: +33 3 88 41 27 30

European Agency for Reconstruction

Thessaloniki Headquarters
Egnatia 4, Thessaloniki 54626, Greece
Tel: +30 2 31 050 51 00
Fax: +30 2 31 050 51 72

**Contact information for operational centres in Belgrade, Podgorica, Pristina and Skopje is available at: www.ear.eu.int/contacts/contacts.htm.*

The World Bank Headquarters

1818 H Street, NW
Washington, DC 20433 USA
Tel: 1 202 473 1000
Fax: 1 202 477 6391

**Links to the relevant offices and officers at the country level are provided in section 4.1.3*

Useful NGOs

Amnesty International

International Secretariat
1 Easton Street
London
WC1X 0DW, UK
Tel: +44 (0) 20 741 35 500
Fax: +44 (0)20 795 61 157

Bretton Woods Project c/o Action Aid

Hamlyn House
Macdonald Road London
N19 5PG UK
Tel: +44 (0)20 7561 7610
Fax: +44 (0)20 7272 0899
Email: info@brettonwoodsproject.org

Centre on Housing Rights and Evictions

83 Rue de Montbrillant
1202 Geneva, Switzerland
Tel: +41 22 734 1028
Fax: +41 22 733 8336
Email: cohre@cohre.org

CONCORD

Square Ambiorix 10,
B-1000 Brussels, Belgium
Tel: + 32 2 743 87 68
Fax: + 32 2 732 19 34
Email: secretariat@concordeurope.org

European Roma Information Office

Av. Edouard Lacomblé 17
1040-Brussels, Belgium
Fax: +32 2 73 33 875
Website: www.erionet.org

European Roma Rights Center

PO Box 906/93
1386 Budapest 62, Hungary
Tel: +36 1 413 2200
Fax: +36 1 413 2201
Email: errc@errc.org
Website: www.errc.org

European Centre for Minority Issues

Schiffbrücke 12 D
24939 Flensburg, Germany
Tel: +49 4 61 14 1490
Fax: +49 4 61 14 1491
Email: info@ecmi.de

ECMI Regional Office Skopje

Str Majka Tereza br 13
Skopje 1000, Republic of Macedonia
Tel: +389 2 3215 637/638
Fax: + 389 2 3215 639

Greek Helsinki Monitor

PO Box 60820, GR-15304 Glyka Nera
Tel: (+30) 210 347 22 59
Fax: (+30) 210 601 87 60
Email: office@greekhelsinki.gr
Website: www.greekhelsinki.gr/

**Information by country on minority and human rights issues in SEE can be found on this website, in addition to links to further NGOs working in the region.*

Humanitarian Law Center

Makenzijeva 67
11110 Belgrade, Serbia and Montenegro
Tel/Fax: +381 11 344 43 48
E-mail: office@hlc.org.yu

Appendix 2

Advocacy options

NGOs have a number of advocacy options available to them. NGOs may decide to focus their efforts on one or a series of actions discussed below, depending on their staffing and other resources. NGOs should consider taking action as part of a coalition. Working with other NGOs, particularly NGOs representing different minorities, allows NGOs to use their resources in the most effective manner, and helps to avoid duplication.

Helpful tips

- know your topic
- plan your actions
- be prepared with accurate data and any supporting information, such as statistics or reports by international agencies or other NGOs
- avoid emotionally or politically charged statements – stick to the facts – and be clear
- do not be confrontational. Try to establish a good relationship with people in positions to make the changes you feel necessary
- consider if the timing is good.

Lobbying relevant authorities

Lobbying is a powerful way to bring about change. NGOs are most effective at lobbying when they are prepared with the relevant information and have set goals. During meetings, present information in a coherent manner and be responsive to questions. Do not be afraid to say you do not have the answer if this is the case, but promise to send materials later. Ask questions of the person you are meeting to assess their position on your issue. Thank the person for their time and follow up by sending any promised materials, and reiterate the relevant points of the meeting as a reminder. Lobbying will often entail more than one meeting.

Raising public awareness

NGOs can work with local media outlets via the internet and other forums, including poster campaigns and disseminating pamphlets. NGOs can inform others, and particularly minorities, about the state's obligations regarding interna-

tional, regional and domestic laws (including comments on the scope and implementation of the provisions), and political and policy commitments. NGOs can publicize information they have gathered about the situation of minorities in the country, comparing this with the government's obligations, and inform national, regional and international monitoring bodies of their findings, possibly in the form of shadow reports. NGOs can inform others of any opinions or concluding observations by treaty-monitoring bodies or other monitoring mechanisms about their country once they have been made public. NGOs can also translate international and regional laws, statements and opinions into national and minority languages. NGOs can organize public discussions and debates around issues of concern, which can also be used to inform people about their rights and the government's obligations.

Letter-writing or petitioning

Writing letters to, or petitioning, government authorities of all levels and representatives of international bodies can be an effective way for NGOs to make their concerns known and to make recommendations for action. Letters and petitions should be addressed to the appropriate person or office. If letters or petitions receive no response, consider who is the person or body that oversees the work of the first recipient. Letters should be brief. Introduce yourself and your interest, then make a concise statement of fact, followed by any supporting information such as relevant statistics, including references to the appropriate laws or policies. This will signal that you are knowledgeable about the issue and should be taken seriously. The letter or petition should end with a request for a written response and possibly a follow-up meeting to discuss the matter in person.⁶

Appendix 3

Status of Treaty Ratification in SEE

Convention or declaration	Treaty-body
Universal Declaration of Human Rights (UDHR)	Not applicable
United Nations Declaration on the Rights of National Minorities (UNDM)	Not applicable
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)*	Committee on the Elimination of Racial Discrimination (CERD)
International Covenant on Economic, Social and Cultural Rights (ICESCR)*	Committee on Economic, Social and Cultural Rights (CESCR)
International Covenant on Civil and Political Rights (ICCPR)*	Human Rights Committee (HRC)
International Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*	Committee on the Elimination of Discrimination against Women (CEDAW)

Status of ratification	Complaints procedure ⁷⁰	Application to citizens and non-citizens
Not applicable	Not applicable	Applicable to citizens and non-citizens
Not applicable	Not applicable	Applicable to citizens and non-citizens
Ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	Accepted by Bulgaria, Macedonia, ⁷¹ Romania, ⁷² and Serbia and Montenegro ⁷³	Applicable to citizens and non-citizens
Ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	Not applicable	Applicable to citizens and non-citizens
Ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	First optional protocol ratified by Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	Applicable to citizens and non-citizens (with the exception of the right to vote)
Ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	Optional protocol ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro.	Applicable to citizens and non-citizens

Convention on the Rights of the Child (ICRC)*	Committee on the Rights of the Child (CRC)
Convention relating to the Status of Refugees (Refugee Convention)*	Not applicable
European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*	European Court of Human Rights
Protocol 12 to the ECHR (not in force)* ⁷⁴	European Court of Human Rights, when in force
Framework Convention for the Protection of National Minorities (FCNM)	CoE's Committee of Ministers, with the assistance of its Advisory Committee (AC)
Revised European Social Charter (Revised ESC) and the ESC	European Committee of Social Rights (ESCR)
European Charter for Regional and Minority Languages	Committee of Experts, which reports to the CoE Committee of Ministers

Ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	Not applicable	Applicable to citizens and non-citizens
Parties to the convention include Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro	Not applicable	Applicable to citizens and non-citizens
Ratified by Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Macedonia, Romania, and Serbia and Montenegro.	Accepted by all states upon ratification of the ECHR	Covers citizens and non-citizens (right to vote exception)
Ratified by Bosnia and Herzegovina, Bulgaria, Greece and Romania	Applicable to all	Covers citizens and non-citizens
Parties to the FCNM include Albania, ⁷⁵ Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, ⁷⁶ Romania, and Serbia and Montenegro. Greece is a signatory.	Not applicable	Applicable to everyone although some states parties, such as Macedonia, have made declarations limiting the application of the FCNM to citizens
Revised ESC ratified by Albania, Bulgaria and Romania. Signed by Bosnia and Herzegovina and Greece.	Additional Protocol ratified by Bulgaria, Croatia and Greece	Applicable to citizens and non-citizens from countries that are party to the Charter lawfully residing in the state party
ESC ratified by Croatia, Greece and Macedonia. Ratified by Croatia. Signed by Macedonia and Romania.	Not applicable	Applicable to citizens and non-citizens

* These are legally enforceable documents upon ratification by states parties. The declarations listed in table are moral commitments but are not legally enforceable. The text of UN instruments can be found at: www.ohchr.org/english/law/index.htm. The text of CoE instruments can be found at: www.conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG.

Notes

- 1 Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 18, Minority Rights Group International. Available at: www.unhcr.ch/html/menu6/2/training.htm.
- 2 Further information is available at: www.minorityrights.org and www.err.org respectively
- 3 For further information see Phillips, A., *The Framework Convention for the Protection of National Minorities: A Policy Analysis*, London, Minority Rights Group International, 2002.
- 4 Other rights, such as the right to health, are also important for effective economic participation; for information on other rights refer to the manuals on economic, social and cultural rights listed in the bibliography (see page ??).
- 5 The text of the UNDM is available at: www.unhchr.ch/html/menu3/b/d_minori.htm.
- 6 Direct discrimination occurs when one person is treated less favourably than another is, has been, or would be treated in a comparable situation. Indirect discrimination occurs when an apparently neutral provision, criterion or practice would put a person at a particular disadvantage compared with other people, unless the provision is justified with a legitimate aim and the means of achieving that aim are appropriate and necessary. Any action to ensure the effective participation of ethnic minorities in economic life must address issues of discrimination.
- 7 See Phillips, *op. cit.*
- 8 For further information on disaggregated data, see Krizsán, A. (ed.), *Ethnic Monitoring and Data Protection: The European Context*, Central European University and INDOK Human Rights Information and Documentation Center, 2001.
- 9 For information on states' obligations with respect to this Article, see the Committee on Economic, Social and Cultural Rights (CESCR), *General Comment 3. The Nature of States Parties Obligations (Art. 2, para. 1 of the Covenant)*, 1990.
- 10 The importance of non-discrimination in access to credit is included in the CEDAW at Articles 13 and 14. In commenting on the implementation of the ICESCR, the CESCR has noted the responsibility of states in ensuring non-discrimination in access to credit with respect to the right to adequate housing and to adequate food. See CESCR, General Comment 4, *The right to adequate housing*, Article 11(4), December 1991; and CESCR, General Comment 12, *The right to adequate food*, Article 11, May 1999. On access to micro-credit and minorities see, Musliu, A., and Ademi, V., *Macedonia: Micro-credit, Poverty and Returning Ethnic Minorities*, London, Minority Rights Group International, 2002. Available in English, Albanian and Macedonian. Available at: www.minorityrights.org
- 11 A full list of the UN MDGs are available at: www.un.org/millenniumgoals.
- 12 For more information, see Ackovic, D., *Roma in Serbia: Introducing Romani Language and*

- Culture in Primary Schools*, London, Minority Rights Group International, 2003.
- 13 See CESCR, *General Comment 13, The right to education*, Article 13, December 1999.
 - 14 For more information see the workshop report, *Minority Rights and Education in South-East Europe*, Minority Rights Group International, 2003.
 - 15 See, for example, the *Statement of the Federation of Western Thrace Turks in Europe* to the UN Working Group on Minorities. Available at: www.unhchr.ch/minorities/statements10/FWTTE3a.doc.
 - 16 See CESCR, *General Comment 4, The right to adequate housing*, Article 11(1), December 1991; and CESCR, *General Comment 7, The right to adequate housing: forced evictions*, Article 11 (1), May 1997.
 - 17 The General Comments of the CESCR, and other UN treaty monitoring committees, are available on the UN's Treaty Body database. Available at: www.unhchr.ch/tbs/doc.nsf.
 - 18 *Seguk and Asker vs Turkey*, European Court of Human Rights, 24 April 1998.
 - 19 Reports and statements by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living are available at: www.unhchr.ch/housing/statements.htm.
 - 20 See UNDP, *The Roma in Central and Eastern Europe: Avoiding the Dependency Trap*, Bratislava, 2002. Available online at: www.roma.undp.sk.
 - 21 The full text of the UN Millennium Declaration, is available at: www.reliefweb.int/ocha-ol/pub/cdp.html.
 - 22 See Committee on the Elimination of Racial Discrimination (CERD), *General Comment 12*, Article 5, August 1996.
 - 23 UNHCR, *Estimate of Refugees and Displaced Persons Still Seeking Solutions in South-eastern Europe*, August 2004. Available at: www.unhcr.ba/maps/03/SEE_EstimateOfRefIDPs_MapA3LC_01aug04.pdf.
 - 24 See, for example, UNHCR, *UNHCR Position on the Continued InternAtional Protection Needs of Individuals from Kosovo*, August 2004. Available at www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=SUBSITEid=421b0b124.
 - 25 The Treaty will enter into force when adopted by each of the signing countries, in accordance with their constitutional procedures.
 - 26 Information on the issues to be discussed can be viewed at: www.europe.eu.int/comm/justice_homw/news/consulting_public/fundamental_rights_agency/communication_com2004_693_en.pdf.
 - 27 Further information on the Directorate-General (DG) for Employment, Social Affairs and Equal Opportunity's activities can be found at: www.europe.eu.int/comm/employment_social/index_en.html.
 - 28 For further information, NGOs should also look at the work of the Anti-Discrimination, Fundamental Social Rights and Civil Society Unit. Available at: www.europe.eu.int/comm/employment_social/fundamental_rights/index_eu.htm.
 - 29 Further information on the EU enlargement process is available at: www.europe.eu.int/

- comm/enlargement/index_en.html.
- 30 See: www.europa.eu.int/comm/enlargement/negotiations/pdf/stateofplay_30june2004.pdf.
- 31 Further information on the SAP is available at: www.europa.eu.int/comm/external_relations/see/actions
- 32 The Stability Pact has been the international community's long-term conflict prevention strategy in SEE since 1999. Its focus is to strengthen SEE countries' efforts in democracy, economic prosperity, peace and respect for human rights. See: www.stabilitypact.org.
- 33 Information on calls for proposals for EU funding under the CARDS and Phare programmes can be obtained through the EuropeAid Co-operation Office. Available at: www.europa.eu.int/comm/europeaid/cgi/frame12.pl.
- 34 Council Regulation No. 2666/2000 of 5 December 2000.
- 35 Such as ISPA, Socrates/Erasmus, MEDA, Phare, TACIS, TAIEX, TEMPUS and SAPARD.
- 36 Communication from the Commission to the Council and the European Parliament on the instruments of External Assistance under the Future Financial Perspective 2007–2013. Available at: www.europa.eu.int/comm/external_relations/reform/document/com04_626_en.pdf.
- 37 Contact information for the WB country NGO liaisons is available at: www.lnweb18.worldbank.org/eca/eca.nsf/General/F35A1EFCA8CCEB4885256BB9007392E9?OpenDocument.
- 38 Countries categorized as Heavily Indebted Poor Countries (HIPC)'s qualify for debt relief. None of the SEE countries are within this category.
- 39 See: www.worldbank.org/oed/prsp.
- 40 The WB/IMF expect that full PRSPs should be completed within 12 months of the formulation of the interim PRSP.
- 41 Communication with Ms Aliya Husain of the World Bank Poverty Reduction and Economic Management Network (PREM) Advisory Service, 20 October 2004.
- 42 Development Committee of the WB/IMF, *Poverty Reduction Strategy Papers – Progress in Implementation*, Washington, 2001, p. 24.
- 43 International Development Association and IMF, *Review of the Poverty Reduction Strategy Paper (PRSP) Approach: Main Findings*, March 2002, available at: www.poverty.worldbank.org/files/9975_findings.pdf.
- 44 Available at: www.web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPOVERTY/EXTPRS/0,,contentMDK:20200608~menuPK:421515~pagePK:148956~piPK:216618~theSitePK:384201,00.html.
- 45 For more information, see: www.brettonwoodsproject.org/index.shtml.
- 46 Clark, D.L., *A Citizen's Guide to the World Bank Inspection Panel*, 2nd edn, Center for International and Environmental Law, October 1999, available at: www.ciel.org/Publications/citizensguide.pdf.
- 47 McKinley, T., *Overview of UNDP's Support to Poverty Reduction Strategies*, Washington,

- DC, UNDP, May 2004. Available at: www.undp.org/poverty/docs-propoor/Overview%20of%20UNDP%20Support%20to%20PRSPs%201999-2003%20-%20May%202004.doc.
- 48 The reports can be accessed at: www.hdr.undp.org/reports.
- 49 Available at: www.undp.org/policy/practicenotes.htm.
- 50 Further information on the OSCE's High Commissioner for National Minorities is available at: www.osce.org/hcnm.
- 51 Available at: www.osce.org/hcnm/documents/recommendations
- 52 The OSCE's activities are examined at review conferences and the steps necessary to strengthen the work of the OSCE are discussed. The implementation of earlier commitments is monitored and new documents are finalized for adoption at OSCE summits.
- 53 For more information, see: www.ohchr.org/english/issues/minorities/publications.htm. See also: Alfredsson, G., Ferrer, E. and Ramsay, K., *Minority Rights: A Guide to United Nations Procedures and Institutions*, Minority Rights Group International and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 2004.
- 54 Information on how to apply for ECOSOC consultative status is available at: www.un.org/esa/coordination/ngo. A list of NGOs with ECOSOC consultative status is available at: www.un.org/esa/coordination/ngo/pdf/INF_List.pdf.
- 55 NGOs must apply in writing or via email to the secretariat of the WGM. NGOs must provide information about the organization, its activities related to minority protection and any other information they feel is relevant.
- 56 Additional information on how the Committees operate and how activists and NGOs can use the Committees can be found in: Tanaka, A. with Yoshinobu, N., *The International Convention on the Elimination of All Forms of Racial Discrimination: A Guide for NGOs*. Minority Rights Group International and the International Movement Against All Forms of Racism, 2001; Barnes, C. and Olsthoorn, M., *The Framework Convention for the Protection of National Minorities: A Guide for Non-Governmental Organizations*. Minority Rights Group International, 1999; and Alfredsson, Ferrer and Ramsay, *op. cit.*
- 57 For information on these procedures, see: Tanaka with Yoshinobu, *op. cit.*
- 58 In the case of the FCNM, the AC communicates its final opinion to the Committee of Ministers, which reviews the state report and the opinion of the Advisory Committee then issues Conclusions and Recommendations.
- 59 The CESRC also accepts information from specialized NGOs during the process of drafting its general comments.
- 60 Fourth Activity Report Covering the Period 21 June 2002 to 30 May 2004 of the AC.
- 61 Only NGOs with participating status with the CoE can lodge complaints under the (Revised) ESC. A list of such NGOs is available at: www.coe.int/T/E/Human%5FRights/Esc/5%5FCollective%5Fcomplaints. Information on how to apply for participating status and an application form is available at: www.coe.int/T/E/NGO/public/Participatory_status.
- 62 Domestic remedies have been exhausted when a complaint has been put through the entire hierarchy of available mechanisms in-country. The committees may also accept

that domestic remedies have been exhausted when there is an unreasonable delay in proceedings or where they do not exist.

- 63 The Ohrid Agreement is available at: www.coe.int/T/E/Legal_affairs/Legal_cooperation/Police_and_internal_security/Police_cooperation/OHRID%20Agreement%2013august2001.asp.
- 64 OSCE Mission to Croatia, *Status Report No. 14 on Croatia's Progress in Meeting International Commitments since December 2003*, July 2004.
- 65 The Ohrid Framework Agreement, Article 6 (3)
- 66 As of September 2004, a draft law had been prepared, which had not yet been introduced into the parliament. In July 2004, the EC announced its intention to commence infringement proceedings before the European Court of Justice against several EU member states, including Greece, for failure to transpose the provisions of the Race Directive into their national laws. Greece has now passed an anti-discrimination law, which became valid on 27 January 2005. However, it is not as strong, in some parts, as the Race Equality Directive.
- 67 Information from: ERRC and Greek Helsinki Monitor, *Cleaning Operations: Excluding Roma in Greece*, Budapest, 2003.
- 68 For detailed information on the implementation of the strategy, see: Resource Center for Roma Communities, The EU Monitoring and Advocacy Program and The Roma Participation Program, *Monitoring of the local implementation of the Government Strategy for the Improvement of the Condition of Roma in Romania*, Budapest, 2004. Available at: www.eumap.org/reports/2004/romap.
- 69 For further guidelines on letter writing, see: www.amnesty.org/campaign/letter-guide.html. Good examples of advocacy letters can be found at: www.errc.org/Advocacyletters_index.php.
- 70 The ICERD provides that states can indicate a national body to review the communications submitted; where a national body has been indicated, communications can only be filed to the CERD where the claimant is unsatisfied with the decision, or lack thereof, of the national body.
- 71 Macedonia declared that it accepts the competence of the CERD to receive complaints by an individual or groups of individuals, unless the matter is pending before another procedure of international investigation or settlement.
- 72 In accordance with Law No 612/2002 of the Romanian Parliament, Romania's National Council for Combating Discrimination is the body competent to receive such communications.
- 73 Serbia and Montenegro indicated the Federal Constitutional Court to receive communications.
- 74 It will be legally binding upon ratification by sufficient states.
- 75 Albania has declared that the FCNM applies to Austrian citizens with non-German mother tongue (first language).

74 NOTES

- 76 Macedonia declared that the FCNM applies to citizens of Macedonia living within its borders of Albanian, Bosniac, Serbian, Turkish, Roma and Vlach origin.

Selected Bibliography

Alfredsson, G., Ferrer, E. and Ramsay, K., *Minority Rights: A Guide to United Nations Procedures and Institutions*, London, Minority Rights Group International and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 2004.

American Association for the Advancement of Science and Human Rights Information and Documentation Systems International, *Promoting and Defending Economic, Social and Cultural Rights*, New York, 2002. Available at: <http://shr.aas.org/escr/handbook/toc.htm>.

Amnesty International, *Campaigning Manual*, London, 2001. Available at: www.web.amnesty.org/pages/campaigning-manual-eng.

Barnes, C. and Olsthoorn, M., *The Framework Convention for the Protection of National Minorities: A Guide for Non-Governmental Organizations*, London, Minority Rights Group International, 1999.

Council of Europe, *Filling the Frame: Five Years of Monitoring the Framework Convention for the Protection of National Minorities*, Strasbourg, 2004.

European Roma Rights Center, *Knowing Your Rights and Fighting for Them: A Guide for Roma Activists*, Budapest, 2004 Available at: www.errc.org/cikk.php?cikk=2066. Versions available in Hungarian, Roma, Romanian, Russian and Serbian are forthcoming.

International Human Rights Internship Program, *Ripple in Still Water: Reflections by Activists on Local- and National-Level Work on Economic, Social and Cultural Rights*, New York, 1997.

International Human Rights Internship Program and Forum-Asia, *Circle of Rights. Economic, Social and Cultural Rights Activism: A Training Resource*, 2000. Available online at: www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm.

Minority Rights Group International, *Assessing the Framework for Country Strategy Papers: A Minority Rights Perspective*, London, 2003. Available at: www.minorityrights.org/admin/Download/pdf/CSPbriefing.pdf.

Tanaka, A. with Yoshinobu, N., *The International Convention on the Elimination of All Forms of Racial Discrimination: A Guide for NGOs*, London, Minority Rights Group International and the International Movement Against All Forms of Racism, 2001.

United Nations, *Fact Sheet No. 7 (Rev. 1) Complaints Procedures*, Available at: www.ohchr.org/english/about/publications/docs/fs7.htm.

76 SELECTED BIBLIOGRAPHY

United Nations, *Fact Sheet No. 12 (Rev. 1) The Committee on the Elimination of Racial Discrimination*. Available at: www.ohchr.org/english/about/publications/docs/fs12.htm.

United Nations, *Fact Sheet No. 16 (Rev. 1) The Committee on Economic, Social and Cultural Rights*. Available at: www.ohchr.org/english/about/publications/docs/fs16.htm.

United Nations, *Fact Sheet No. 18 (Rev. 1) Minority Rights*. Available at: www.ohchr.org/english/about/publications/docs/fs18.htm.

United Nations, *Fact Sheet No. 20 (Rev. 1) Human Rights and Refugees*. Available at: www.ohchr.org/english/about/publications/docs/fs20.htm.

United Nations, *Manual on Human Rights Reporting*, Geneva, United Nations, 1997.

United Nations Office of the High Commissioner for Human Rights, *Professional Training Series No. 7: Training Manual on Human Rights Monitoring*, New York and Geneva, United Nations Publications, 2001.

United Nations Mission in Kosovo and United Nations High Commissioner for Refugees, *Manual for Sustainable Return*, 2003.

**Participation in Economic Life:
An Advocacy Guide for Minorities
in South-East Europe**

**minority
rights
group
international**

Economic, social and cultural rights are on the political agenda. In recent years, they have been given increased attention, internationally, and domestically. This guide provides an overview of rights and mechanisms relevant to the participation of minorities in economic life in South-East Europe. It contains examples of best practice and lessons learned by people or organizations advocating for effective economic participation by, or on behalf of, minorities in the region.

**Minority Rights Group International
54 Commercial Street, London, E1 6LT, United Kingdom
Tel: +44 (0)20 7422 4200
Fax: +44 (0)20 7422 4201
Email: minority.rights@mrgmail.org
Website: www.minorityrights.org**

ISBN 1 904584 26 8