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ROMA IN THE YUGOSLAV SUCCESSOR STATES

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ROMA IN THE YUGOSLAV SUCCESSOR STATES

This paper explores how the successor states of the Socialist Federal Republic of Yugoslavia (SFRY) have addressed their respective Romani populations. To ground the comparison across the successor states, the paper begins by presenting official figures and estimates on the size of Romani and related populations in the successor states, also providing an overview of policy toward Roma in SFRY. Similarities and differences among the Yugoslav successor states in their treatment of Roma are treated in terms of eight key parameters, in the following order: constitutional recognition, anti-discrimination legislation, primary education, legislation on minorities, provisions for political representation, Romani-specific central-level strategies and action plans, arrangements for advice on and coordination of policy toward Roma, and targeted mechanisms for Roma at local level. The paper closes with a rough sketch of the situation of Roma in the successor states and how it has developed in recent years, attending briefly to what recent developments tell us about the effects of relevant policies.

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I. INTRODUCTION

1.1. Approach

With the disintegration of the Socialist Federal Republic of Yugoslavia (SFRY), several decades of overarching policy on minorities (albeit one with variations at the level of the constituent republics) gave way to a variety of approaches in the successor states.¹ This paper explores how the Yugoslav successor states have addressed their respective Romani populations, which official treatment of Roma in the successor states is structured around eight key parameters: constitutional recognition, anti-discrimination legislation, primary

in all successor states as in SFRY constitute the most disadvantaged minority.

In order to provide the necessary context for an examination of official treatment of Roma in the successor states, the paper offers summary information on the size of Romani and related populations, followed by a brief overview of policy toward Roma in SFRY. The examination of education, legislation on minorities, provisions for political representation, Romani-specific central-level strategies and action plans, arrangements for advice on and



coordination of policy toward Roma, and targeted mechanisms for Roma at local level. The paper ends with a brief discussion of what recent developments in Roma’s situation in the areas of education, employment, health, and housing tell us about the effects of policies toward Roma in the Yugoslav successor states.

1.2. Romani and related populations in the successor states

As shown in Table 1, considerable discrepancies between official figures and

unofficial estimates on the size of Romani populations are evident in all of the Yugoslav successor states. Despite the wide range of variation in each country, however, the table provides a sense of the relative sizes of the respective Romani populations of each of the successor states. Roughly speaking, the largest Romani populations are those of Macedonia and Serbia, while the smallest are those of Croatia and Slovenia, with the middle range occupied by Bosnia and Herzegovina, Kosovo, and Montenegro. Where figures are available for Ashkali and/or Egyptians as well as Roma, these numbers are also shown in the table.²

Table 1. Size of Romani and related populations in the Yugoslav successor states

Country (census year)	Official figures	Estimates	Share of total population (range)
Bosnia and Herzegovina (1991)	8 864 Roma	40 000-100 000 Roma	0.2%-2.6%
Croatia (2011)	16 975 Roma 172 Ashkali	30 000-40 000 Roma	0.4%-0.9%
Kosovo (2011)	8 824 Roma 15 436 Ashkali 11 524 Egyptians	35 000 Roma 12 000 Ashkali 25 000 Egyptians	0.5%-1.9% 0.7%-0.8% 0.6%-1.4%
Macedonia (2002)	53 879 Roma 3 713 Egyptians	110 000-260 000 Roma 20 000 Egyptians	2.6%-12.3% 0.2%-0.9%
Montenegro (2011)	6 251 Roma 2 054 Egyptians	17 000-20 000 Roma, Ashkali, and Egyptians	1.0%-3.2%
Serbia (2011)	147 604 Roma 997 Ashkali 1 834 Egyptians	200 000-800 000 Roma	2.1%-11.2%
Slovenia (2002)	3 246 Roma	7 000-12 000 Roma	0.2%-0.6%



II. ROMA IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Roma were covered in SFRY (as “Gypsies” until 1971 and Roma thereafter) under general policy toward minorities. While at that time “Yugoslavia [was], arguably, the most progressive of states with regard to treatment of Gypsies”³, authorities paid little attention to Roma until the early 1960s. In the 1970s and 1980s, positive attention to Roma increased, with the extension of cultural rights to Roma in the form of broadcast time and education in Romani particularly evident in largely Albanian-inhabited areas such as Kosovo and Western Macedonia.

Similarly to most of their counterparts throughout Eastern Europe, Yugoslav policies distinguished between “nations” (or “peoples”) and “nationalities” (or “national minorities”), with an additional juridical distinction between nationalities (*narodnosti*) and ethnic groups introduced in 1974.⁴ Even without a legal document defining these categories or a list of the members of each, the distinctions among categories corresponded to specific rights: Nations (with the exception of Muslims) were entitled to their own republics and the elevation of their languages to official status at the federal level, while nationalities were guaranteed linguistic and cultural rights in the republics of their residence.⁵ Like all recognized but non-constituent peoples in the Yugoslav federation before 1974, Roma initially fell into the (residual) category “national minority” (*nacionalna manjina*).

With the introduction of the category “ethnic group”, it seems that Roma were so classified on the basis of their “historical mortgage of nomadism” manifested in geographic dispersion, low social status, and lack of distinct national awareness.⁶

Consistent with their apparent classification as an ethnic group, Roma’s rights were not generally regulated. Nonetheless, Roma’s *de facto* status increased after 1971 with the passage of anti-discrimination legislation (including a prohibition on the use of ‘Gypsy’ as opposed to ‘Rom’) and government support for publications and broadcasting in Romani.⁷ Following the first use of the term ‘Rom’ in an official capacity in the census of 1971 came a series of “sporadic attempts” at developing Romani cultural rights which stretched into the 1980s.⁸

The first Romani monthly publication began and ceased publication in 1973, with books in Romani (mostly poetry) published in republican capitals as well as in some smaller cities around the same time. Subsequent years saw the publication of anthologies of Romani poetry and stories (usually in bilingual editions), as well as a Romani-Serbo-Croatian-English dictionary.⁹ Broadcasts in Romani began in the early 1980s, with Yugoslavia’s first radio program in Romani broadcast from Belgrade from 1981 until 1987 and Romani radio broadcasts from Prishtina/Priština beginning in 1983, such that by the late 1980s there were regular radio programs in Romani in Belgrade, Gjilan/Gnjilane, Prishtina/Priština, Prizren, Sarajevo, and Tetovo.¹⁰ Finally, the world’s first television program in Romani



(a weekly) was broadcast from Prishtina/Priština on 9 February 1986.¹¹

The Romani language was first taught in Yugoslav state schools in 1983, beginning in Kosovo.¹² During the 1984-85 academic year, Romani was offered as an elective in ten Kosovo primary schools.¹³ The teaching of Romani was also introduced in Macedonia during the 1980s, starting in Tetovo.¹⁴

III. POLICY IN THE SUCCESSOR STATES

Taking into account the reworking of policies that came with secessions from Yugoslavia, this section attends to differences and similarities among the Yugoslav successor states in their treatment of Roma. For each of the eight parameters treated in this section, an examination of successor states' approaches is preceded by a brief discussion of the parameter's relevance as an indication of official treatment of Roma.

3.1. *Constitutional recognition*

A hypothetical spectrum of treatment of minorities in state constitutions would range from purely civic to purely mono-national. Whereas a purely civic constitution would lack referents to ethnicity, its purely mono-national counterpart would present the state as belonging to one and only one ethnic group. In addition to guaranteeing equality in rights and freedoms to all citizens, the constitutions of the Yugoslav successor states have in common that they fall toward the middle of the spectrum spanning

between purely civic and purely mono-national. At the same time, they exhibit some important differences in their approaches to the recognition of minorities in general and Roma in particular. Thus, whereas the Bosnian and Serbian constitutions refer to minorities in general without mentioning specific groups, their counterparts from Croatia, Kosovo, Macedonia, Montenegro, and Slovenia each contain mention of three or more minorities. From this group, while Roma receive mention in all but the Montenegrin constitution, the contexts within which Roma are recognized vary from one country to the next.

The Constitution of Bosnia and Herzegovina prohibits discrimination on the basis of association with a national minority.¹⁵ The Constitution of the Federation of Bosnia and Herzegovina goes a step further, promising "protection of minorities and vulnerable groups" in addition to non-discrimination.¹⁶ In similar fashion, the Constitution of Republika Srpska grounds the Entity's constitutional order on the protection of ethnic and other minorities and guarantees its citizens equal legal protection irrespective of personal attributes¹⁷.

The Constitution of the Republic of Serbia defines the country as a "state of the Serbian people and all citizens who live in it" and promises minority rights as a means to the rule of law.¹⁸ While specific minorities do not receive mention anywhere in the document, the Constitution contains a section entitled "Human and Minority Rights and Freedoms" which includes an



explicit prohibition of discrimination on the grounds of membership in a national minority, a provision for temporary measures aimed at eliminating disadvantage, and an article prohibiting forced assimilation.¹⁹

The Montenegrin Constitution mentions (in order) Montenegrins, Serbs, Bosniaks, Albanians, Muslims, Croats and “the others,” but does not mention Roma by name.²⁰ In this sense, the Montenegrin Constitution is unique among the Yugoslav successor states. In addition to calling for a “democratic and civic Montenegro”, the Constitution prohibits forceful assimilation and stipulates that the state will protect members of minority nations from such assimilation.²¹

Although the Preamble of the *Constitution of the Republic of Kosovo* is civic in expressing an intention that Kosovo be “a homeland to all of its citizens” as well as in the absence of ethnic references, the chapter on the Assembly of the Republic of Kosovo mentions Roma, Ashkali, and Egyptians as distinct “communities”.²² Also mentioned in this chapter are Bosnian, Gorani, Turkish, and “Kosovo Serb” communities, with the latter receiving mention also in other parts of the Constitution. Another article devoted to communities in general mentions both protections from discrimination and affirmative measures to promote “full and effective equality”.²³

The Croatian Constitution presents Croatia as “the nation state of the Croatian nation and the state of the members of its national minorities”.²⁴ The category

“national minority” explicitly includes Roma, together with 21 other groups as well as “others”. Also contained in the document are a specific guarantee of equal rights for the members of national minorities and a call for a constitutional act for this purpose.²⁵ In broadly similar fashion, the Preamble of the Constitution of the Republic of Macedonia contains mention of Roma together with Albanians, Turks, Vlachs, Serbs, and Bosniaks as “equal in rights and obligations” to each other and to the Macedonian people.²⁶

In the Slovenian Constitution, which presents Slovenia as a civic state “founded on the permanent and inalienable right of the Slovene nation to self-determination,” Roma receive mention in an article specifying that “[t]he status and special rights of the Romany community living in Slovenia shall be regulated by law”.²⁷ Other minorities mentioned by name in the Slovenian Constitution are the autochthonous Hungarian and Italian communities, which are mentioned – always together and always separately from Roma – in multiple articles.²⁸

3.2. Anti-discrimination legislation

All of the Yugoslav successor states have adopted comprehensive anti-discrimination legislation, with Kosovo adopting its *Anti-Discrimination Law* in 2004 while the others passed their respective laws between 2007 and 2010.²⁹ The similarities in the anti-discrimination legislation adopted by the successor states arguably outweigh



differences where Roma are concerned. Neither Roma nor any other ethnic group are mentioned by name, but ethnicity is covered as possible grounds for discrimination. Additionally, successor states' anti-discrimination laws apply not only to direct discrimination (i.e., less favorable treatment), but also to indirect discrimination, which occurs when ostensibly neutral provisions disadvantage certain groups.³⁰ At the same time, the anti-discrimination legislation adopted by the successor states leaves room for special measures to address disadvantage in order to achieve substantive equality.

Notwithstanding the considerable similarities in the anti-discrimination legislation adopted in the successor states, two provisions of specific anti-discrimination laws are worth mentioning for their relevance to Roma. The first of these is the minority-specific stipulation of Serbia's anti-discrimination law that goes beyond mention of national affiliation and ethnic origin in the initial list of grounds covered by the general prohibition of discrimination: "It is forbidden to discriminate against national minorities and their members on the grounds of religious affiliation, ethnic origin, religious beliefs and language".³¹ The second, which recalls the 2007 decision of the European Court of Human Rights in the case of segregation of Romani children in schools for children with mental disability in the Czech Republic, is the article of Montenegro's *Law on Prohibition of Discrimination* specifying that "[c]onsent of a person to be discriminated against shall not relieve from

responsibility the person exercising discrimination, giving instruction to discriminate or inciting discrimination".³²

3.3. Primary education

Unlike pre-school and secondary education, primary education is compulsory in all of the Yugoslav successor states. This being the case, primary education in the successor states is clearly fundamental inasmuch as it lays the foundations for subsequent levels of education. Moreover, it makes this level of education most appropriate for gaining insight into how successor states' (respective) educational systems treat cultural differences in general and how they address the educational needs and cultural distinctiveness of Roma in particular.

Attention to minorities is apparent in the legislation on primary education adopted in all of the Yugoslav successor states. At the same time, the level of attention in relevant legislation to the education of specific minorities and in particular to that of Roma varies considerably. Thus, whereas references to specific groups or their languages are absent from legislation on primary education in Bosnia and Herzegovina, Croatia, and Macedonia, the relevant laws from Kosovo and Montenegro contain such references, but not to Roma. By way of contrast, Serbian and Slovenian legislation on primary education mentions Roma explicitly.

In addition to emphasizing respect for and integration of minority cultures in education, the *Framework Law on Primary and Secondary Education in Bosnia and*



Herzegovina prohibits educational materials and declarations by school staff which are of insulting character on the basis of ethnicity.³³ Croatia's main law on primary (and secondary) education provides for state funding for minority-language education and for proportional representation of minorities on the boards of schools attended by children from minorities³⁴, with an amendment to this law further obliging schools to provide "special assistance" to children with insufficient knowledge of the Croatian language.³⁵ A separate law on minority education specifies that education in the language (and alphabet) of national minorities will be provided in pre-school, primary, and secondary education.³⁶ Among the goals of primary education according to Macedonia's *Law on Primary Education* are the development of literacy in minority languages by those who speak a language other than Macedonian, as well as the development of a civic identity together with the preservation of pupils' own national and cultural identity.³⁷

The *Law on Pre-University Education in the Republic of Kosovo* includes respect for diversity and "friendship with members of all communities" among the purposes of pre-university education and training.³⁸ While the only specific reference to minorities in the law relates to Serbian-language textbooks, the *Curriculum Framework* mandated by the law states that Romani pupils will learn Romani from Grade 2.³⁹ The law also obliges municipalities to provide needed support in the language of instruction, specifying that neither home language nor community

membership constitutes a learning difficulty.⁴⁰ Montenegro's main education law, on the other hand, states that instruction respecting minority rights is provided in Bosnian, Albanian, and Croatian languages (in that order).⁴¹

Serbia's main education law refers explicitly to Roma in a provision exempting teachers of Romani language from the general requirement of having completed education in the minority language to be taught.⁴² The same law also contains more general provisions of relevance for Roma as a distinct group. Prominent among such provisions are the promotion of multiculturalism as an aim of education, reaffirmation of the right of national minorities to be educated in their mother tongue⁴³, and a call for the proportional representation of minorities in school-level parents' councils.⁴⁴

In Slovenia, the *Law on Primary Education* attends to Roma in a single article consisting of the statement that "[p]rimary education of members of the Romani community in Slovenia is carried out in accordance with this law and other regulations".⁴⁵ By way of contrast, provisions for the education of members of the Hungarian and Italian communities are found throughout the document. The *Law on the Romani Community in the Republic of Slovenia* provides only slightly more detail, promising to create conditions for integration in the education system, for raising Roma's level of education, and an adequate scholarship program.⁴⁶ The same law also binds the state to promote the preservation and development of Romani



language and culture, albeit not specifically in relation to education.⁴⁷

3.4. Legislation on minorities

The Yugoslav successor states have in common that they have adopted legislation on minorities. Perhaps not surprisingly, the laws themselves have in common that they guarantee national minorities and their members protection against discrimination. At the same time, explicit coverage of Roma varies from country to country.⁴⁸ Thus, whereas the respective laws adopted in Bosnia and Herzegovina and Kosovo include a list of the groups covered by the law in question, their Croatian, Macedonian, Montenegrin, and Serbian counterparts do not include such a list. Slovenia has taken a different approach, adopting different legal acts for different minorities.

Bosnia and Herzegovina's *Law on Protection of Rights of National Minorities* includes Roma in the list of minorities for which the law promises protection and equality.⁴⁹ In similar fashion, the *Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo* contains a list of communities covered that includes Roma, Ashkali and Egyptians.⁵⁰

Among the four successor states which have adopted general legislation on minorities that does not include a list of minorities, the two whose respective constitutions include such a list – Croatia and Macedonia – do not refer explicitly to any group.⁵¹ The legislation on minorities adopted in Montenegro and in Serbia, on the

other hand, promises specific measures to improve the situation of Roma.⁵²

Legislation corresponding to the stipulation in Slovenia's Constitution that the rights and status of Roma will be regulated by law was adopted only in 2007.⁵³ Before that time, Slovenia had adopted specific legislation on the Hungarian and Italian minorities⁵⁴, but no law on minorities in general. Emphasizing Roma's specific situation and the need for their integration into Slovenian society as well as for them to assume responsibility for their own development, the *Law on the Romani Community in the Republic of Slovenia* promises special rights for Roma in the areas of culture, education, employment, environmental protection, health, participation in public affairs, social welfare, and spatial planning.⁵⁵ Perhaps not surprisingly, this law forms the basis for the *National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2010-2015*, which receives more attention below, in Section 3.6.⁵⁶

3.5. Provisions for political representation

Arrangements for the political representation of minorities in general and Roma in particular vary widely among the Yugoslav successor states. Moreover, in addition to differing in the extent to which they provide for representation at central and local levels, the types of documents which serve this purpose also vary from one country to the next.



At one extreme, the Constitution of Bosnia and Herzegovina effectively excludes Roma – as neither Bosniacs, Croats, nor Serbs – from election to the upper house of the Parliamentary Assembly and to the Presidency.⁵⁷ By way of contrast, the respective constitutions of Bosnia and Herzegovina’s two entities contain provisions guaranteeing citizens the right to participate in public affairs.⁵⁸ Moreover, Bosnia and Herzegovina’s *Law on Rights of National Minorities* entitles the members of recognized national minorities (thus including Roma) to participation in public services proportional to their share of the population according to the most recent census and calls for additional legislation and regulations at the central, entity, cantonal, city, and municipal levels to regulate minority representation in public executive and judicial authorities, as well as in public services.⁵⁹ The election of members of national minorities to city and municipal councils and assemblies is regulated within general electoral legislation.⁶⁰

The Croatian Constitution notes that “the right of the members of national minorities to elect their representatives to the Croatian Parliament may be stipulated by law”.⁶¹ The *Constitutional Act on the Rights of National Minorities in the Republic of Croatia* guarantees minority representation at both central and local levels (as well as in the administration and the judiciary), with national minorities comprising less than 1.5 percent of the total population entitled to elect four representatives in parliament.⁶² The law

also provides for the appointment of a central Council for National Minorities (*Savjet za nacionalne manjine*) consisting of seven members of national minorities nominated by local and regional National Minority Councils (*Vijeća nacionalne manjine*) five members of national minorities nominated by minority associations, religious communities and citizens; and the elected representatives of national minorities in parliament.⁶³

As part of a broader scheme of reserved seats in parliament for representatives of minority communities, Kosovo’s Constitution reserves one seat each for representatives of Romani, Ashkali and Egyptian communities, plus an additional seat to the community of the three with the highest number of votes.⁶⁴ This scheme is elaborated in Kosovo’s *Law on General Elections*.⁶⁵ Additionally, the *Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo* calls for the inclusion of two representatives each from Romani, Ashkali, and Egyptian communities on the Community Consultative Council, which is intended to serve as a mechanism for aggregating and articulating community views, coordinating and consulting among communities, and communicating with state institutions.⁶⁶ In regard to the local level, the Constitution calls for the appointment of a Vice President of the Municipal Assembly for Communities in municipalities in which at least ten percent of residents do not belong to the local majority.⁶⁷

Macedonia’s Constitution stipulates that a Committee for Inter-Community Relations



be formed of members of parliament and consisting of seven ethnic Macedonians, seven Albanians, and one Bosniak, Rom, Serb, Turk, and Vlach.⁶⁸ However, Macedonian electoral legislation does not provide for the representation of minorities in mainstream elected bodies.⁶⁹ At the same time, the *Law on Advancement and Protection of the Rights of the Members of the Communities Which Are Less than 20% of the Population* establishes an Agency for Realization of the Rights of the Communities, the main functions of which include ensuring that the work of the central administration takes into account the needs of minorities and providing expertise on draft materials designed to advance the rights of the country's smaller communities.⁷⁰

The Montenegrin Constitution guarantees members of "minority nations and other minority national communities" the rights to "authentic representation" in elected bodies at central and local levels and proportionate representation in public administration and local government, as well as the right to establish minority councils.⁷¹ Montenegro's *Law on the Election of Councillors and Deputies* accordingly lowers the threshold for the distribution of seats in parliament for minority electoral lists from the three percent in effect for electoral lists of the general population to 0.7 percent of valid votes.⁷² Additionally, the *Law on Minority Rights and Freedoms* provides for each minority community to form a (single) minority council at central level.⁷³ The same law tasks local government units inhabited by minorities in

sufficient numbers with establishing minority councils.⁷⁴

The Constitution of the Republic of Serbia provides for self-governance for persons belonging to national minorities through the election of minority councils.⁷⁵ A framework for the establishment of National Councils of National Minorities forms part of Serbia's *Law on the Protection of the Rights and Freedoms of National Minorities*.⁷⁶ Additionally, Serbian electoral law exempts political parties of national minorities from the general five-percent electoral threshold in order to allow them to participate in the process of distributing seats in parliament regardless of the total number of votes received.⁷⁷

Slovenia's Constitution provides for the parliamentary and local-level representation of Hungarian and Italian minorities⁷⁸, but does not attend to the representation of Roma or of other minorities. In similar fashion, the Slovenian electoral system guarantees the Hungarian and Italian minorities one seat each in parliament but does not provide similarly for Roma.⁷⁹ By way of contrast, in addition to mandating the formation of a Commission for Ethnic Issues (*komisija za narodnostna vprašanja*) in ethnically mixed municipalities, the *Law on Local Self-Government* stipulates that autochthonous Romani communities have at least one representative on the municipal council of the localities in which they live and includes a list of municipalities affected by this stipulation.⁸⁰ The *Law on the Romani Community in the Republic of Slovenia* creates a Council of the Romani Community (*Svet romske skupnosti*) to represent the



interests of the Romani community before state organs, with 14 of the Council's 21 members to be Romani representatives from municipal councils.⁸¹

3.6. Central-level strategies and action plans

All of the Yugoslav successor states have adopted a targeted strategy for Roma, with Slovenia by far the first to do so (in 1995). Additionally, all but Kosovo have participated in the Decade of Roma Inclusion since at least 2009.⁸² In light of the duty of governments participating in the Decade to adopt action plans covering the "priority areas" of education, employment, health, and housing, it is arguably not surprising that all except Slovenia have done so. On the other hand, all of the adopted strategies (including the Slovenian) incorporate the four priority areas.⁸³

Notwithstanding their convergence around education, employment, health, and housing, the strategies adopted by the successor states vary considerably in the number of thematic areas covered. Bosnia and Herzegovina's strategy for Roma covers a total of 15 thematic areas. The Serbian strategy covers 13 areas, followed by Kosovo (11), then Macedonia and Montenegro (ten each).⁸⁴ The Croatian and Slovenian strategies are rather less ambitious in this regard, covering a total of seven and six thematic areas, respectively.⁸⁵ With the exception of the Montenegrin and Serbian action plans, the action plans adopted in the successor states cover a smaller number of thematic areas than do

the corresponding strategies, with the majority of action plans organized around 4-6 themes.⁸⁶

Beyond the four priority areas of the Decade, all of the strategies for Roma adopted by the Yugoslav successor states also devote a section to preserving and promoting Romani culture. Sections on registration and/or documentation, gender, and political participation appear in five strategies each. Among the successor states' action plans for Roma, on the other hand, only culture and registration/documentation figure more than twice. If state attention to registration and/or documentation can be presumed neutral in orientation toward Roma as a distinct group, treatment of culture is more telling. While the action plans adopted for Roma in Croatia, Kosovo, and Serbia as well as the Slovenian *National Programme of Measures for Roma* include objectives related to the promotion of Romani culture as worthy of respect by non-Roma as well as by Roma themselves, the Serbian action plan and the Slovenian *National Programme* differ from the Croatian and Kosovo action plans in taking explicitly into account that Romani culture does not consist only of traditional practices, but is also in a state of constant development.⁸⁷

3.7. Arrangements for advice and coordination

While Roma participate in advisory bodies on policies targeting Roma in all of the Yugoslav successor states, there is considerable variation within the group in



the role played by Roma in day-to-day coordination in relation to such policies. The design of central-level management bodies for Roma also varies from one successor state to the next, with Macedonia, Montenegro, and Serbia operating Romani-specific units while Bosnia and Herzegovina, Croatia, Kosovo, and Slovenia do not.

In Macedonia, responsibility for coordinating implementation of the national action plans adopted in the framework of the Decade of Roma Inclusion is divided between the Unit for Implementation of the Strategy and the Decade of Roma Inclusion and the National Strategy for Roma (created in 2008) within the Ministry of Labor and Social Policy and the Cabinet of the Minister without Portfolio and National Coordinator for the Decade of Roma Inclusion and the Strategy for Roma. Roma account for the entire staff of these two bodies, as well as for much of the membership of the (largely inactive) National Coordinating Body tasked with overseeing implementation of the national action plans and providing advice on measures needed for effective implementation and coordination.

The Department for Advancement and Protection of the Rights of the RAE Population within the Ministry for Human and Minority Rights coordinates day-to-day implementation of policy aimed at Roma, Ashkali, and Egyptians in Montenegro. Two members of the Romani, Ashkali, and Egyptian communities are employed in the Department, with another two serving on the 11-member Commission for Monitoring

Implementation of the *Strategy for Improving the Position of Roma and Egyptians in Montenegro*.

The unit currently responsible for day-to-day coordination of action plan implementation in Serbia is the Group for Improving the Status of Roma and Providing Assistance to Migrants within the Office of Human and Minority Rights.⁸⁸ Roma are employed in this unit, as they were in the units previously responsible for coordination. Roma also participate in the Council for Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion, as well as in working groups formed to provide advice to relevant ministries.

In Bosnia and Herzegovina, the Ministry for Human Rights and Refugees is responsible for coordinating implementation of the national action plans for Roma. While one Rom was previously engaged in this institution through an internationally funded project, the position was eliminated when project funding ended. Larger numbers of Roma have participated in the Committee on Roma (formed in 2002 as an advisory body to the Council of Ministers) and in the Coordination Committee for Monitoring of the Action Plan on Employment, Housing, and Health (established in 2008 and apparently abolished in 2013).

The institution responsible for coordinating implementation of the national action plans for Roma in Croatia is the Government Office for Human Rights and the Rights of National Minorities. One Rom is employed in the Office. Additionally, Roma have accounted for a considerable (if



varying) proportion of the Commission for Monitoring Implementation of the National Program for Roma.

Until spring of 2013, responsibility for the development and implementation of policies targeting Roma, Ashkali, and Egyptians in Kosovo was concentrated within the Office of the Prime Minister, with the Office for Community Affairs and the Office of Good Governance, Human Rights, Equal Opportunities and Gender Issues (both part of the Office of the Prime Minister) initially made responsible for coordinating implementation of the *Strategy for the Integration of Roma, Ashkali and Egyptian Communities*. With the transfer of the chairpersonship of the Inter-Institutional Steering Committee for the Implementation of the Action Plan corresponding to the Strategy from a deputy prime minister to the Minister of European Integration and the expansion of the staff of the Ministry of European Integration with support from the Organization for Security and Co-operation in Europe (OSCE) and the United Nations Development Programme (UNDP) to perform some of the tasks previously assigned to the Office of Good Governance, however, responsibilities have been split and sometimes unclear. Whereas one Ashkali was seconded to the Ministry of European Integration by OSCE in 2013-2014 and the Inter-Institutional Steering Committee has consistently included Roma, Ashkali, and Egyptians, this has not been the case with the Technical Working Group for implementation of the action plan.

In Slovenia, the Government Office for National Minorities oversees

implementation of the *National Programme of Measures for Roma*. While no Roma are employed in this institution, Roma participate in the in the Commission of the Government of Slovenia for the Protection of the Romani Community, a working group tasked with monitoring implementation of the *National Programme*.

3.8. Targeted mechanisms at local level

Arrangements for local-level implementation of policies targeting Roma vary not only from one successor state to the next, but also among localities within a given state. At the same time, two mechanisms have been employed in multiple successor states: focal points and action plans.

Romani focal points were employed on a temporary basis in three localities of Bosnia and Herzegovina, with an internationally funded initiative also leading to the establishment of an additional four Romani coordinators based in regional offices of the Ministry of Human Rights and Refugees for the purpose of linking government institutions with the NGO sector and local Romani communities. By early 2014, however, all of these positions had ceased to exist. In Kosovo and in Macedonia, on the other hand, six municipalities each employ Roma, Ashkali, or Egyptians in local administration. Finally, of the 52 municipalities in Serbia which have engaged a Romani Coordinator at some point since 2002 (and in 50 of which such a Coordinator existed as of 2013), seventeen



have employed the Coordinator on an indefinite basis as an integral part of local administration.

Since 2005, a total of 17 municipalities in Macedonia have adopted local action plans for Roma. More recently, at least 28 municipalities in Serbia have done similarly, as have fewer than ten municipalities each in Croatia, Kosovo, and Montenegro. Drafting of a local plan was underway in one municipality in Bosnia and Herzegovina as of spring 2014, with a total of 33 units of local and regional self-government in Croatia tasked with preparing plans for implementation of the strategy for Roma adopted at central level. Also foreseen for 2014 (with support from OSCE) was the development and adoption of local action plans in several further municipalities in Kosovo.

Additional mechanisms employed at local level in Macedonia for the implementation of policies targeting Roma include Romani Information Centers and Memoranda of Cooperation between municipalities and the central government. Established in ten municipalities with a mission of linking local and central levels in implementing initiatives related to the 2004 *Strategy for Roma in the Republic of Macedonia* and the Decade of Roma Inclusion, Romani Information Centers have suffered from a lack of clarity about their mandate, as well as from unstable staffing arrangements. Nineteen municipalities have signed a Memorandum of Cooperation with the central government (as represented by the Minister without Portfolio and National Coordinator for the Decade of Roma

Inclusion and the Strategy for Roma) for the co-funding of projects “relating to the Decade and the Strategy”.⁸⁹ The activities funded on the basis of these Memoranda have focused on infrastructure.

Whereas localities in Slovenia have neither employed Romani focal points nor adopted local action plans for Roma, the *Law on the Romani Community in the Republic of Slovenia* calls for the establishment of a working body to monitor the status of Roma in each locality where Roma are represented on the municipal council.⁹⁰ Such a body has also been established in a small number of localities beyond the 20 required by law to ensure Romani representation on the municipal council.

IV. SITUATION OF ROMA IN THE SUCCESSOR STATES

In order to provide a rough sketch of the situation of Roma in the Yugoslav successor states, this section presents data on selected indicators related to education, employment, health, and housing. Given the fundamentality of these four areas and the fact that they are covered by the central-level strategies and action plans for Roma adopted in all of the Yugoslav successor states, changes in these areas may be considered broadly indicative of the overall effectiveness of policies where Roma are concerned. These four areas also have in common the availability for most of the successor states of data allowing comparisons across countries, over time, and



with non-Roma living in proximity to Romani settlements. The reason for this is the inclusion of five of the seven (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, and Serbia) in the regional surveys commissioned by UNDP in 2004 and by UNDP, the World Bank, and the European Commission in 2011.⁹¹ Despite the fact that neither Kosovo nor Slovenia was included in both surveys, the findings from the two surveys together provide the largest and most recent body of comparable data on the situation of Roma in the successor states.

4.1. Education

Comparison of data from the surveys conducted in 2004 and 2011 (described in

the previous paragraph) suggests that the educational situation of Roma generally improved between the surveys, both relative to Roma's previous situation and in comparison with non-Roma.⁹² As shown in the table below, however, considerable gaps between Roma and non-Roma remain in enrolment in primary and secondary education in most of the successor states. While no data are available on school enrolment rates among Roma in Slovenia, the fact that 80 percent of respondents to a survey conducted in 2005 on a sample of Roma aged 15 to 45 in five regions of Slovenia had not completed primary education provides a rough indication of the educational situation of Roma in that successor state.⁹³

Table 2. School enrolment

Country	School enrolment (ages 7-15)		School enrolment (ages 16-19)	
	Roma	Non-Roma	Roma	Non-Roma
Bosnia and Herzegovina	61%	96%	15%	72%
Croatia	87%	93%	31%	77%
Kosovo ⁹⁴	75%	97.5%/99.5% ⁹⁵	30%	No data
Macedonia	74%	90%	27%	65%
Montenegro	55%	94%	13%	61%
Serbia	80%	95%	25%	71%
Slovenia ⁹⁶	No data	97%	No data	93%

Source: United Nations Development Programme (2011)



4.2. Employment

As shown in Table 3, unemployment rates among Roma in 2011 were more than 20 percent higher than among non-Roma in most of the successor states. Nonetheless, this state of affairs reflects a reduction in the gap in joblessness between Roma and non-Roma since 2004.⁹⁷ Over the same period, however, employment rates generally dropped among both Roma and non-Roma, with the gap between Roma and non-Roma in relation to employment generally widening in the successor states.⁹⁸ Seen in this light, the reduction in the gap in joblessness seems to have more to do with higher rates of participation in education

Table 3. Unemployment

Country	Unemployment (ages 15-64)	
	Roma	Non-Roma
Bosnia and Herzegovina	54%	30%
Croatia	65%	23%
Kosovo ⁹⁹	58%	45%
Macedonia	53%	27%
Montenegro	44%	30%
Serbia	49%	27%
Slovenia ¹⁰⁰	98%	8%

Source: United Nations Development Programme (2011)

among Romani youth than with an improvement in employment prospects.¹⁰¹

4.3. Health

Responses to similar (but not identical) questions on perceived health status in the 2004 and 2011 surveys appear to indicate that perceptions in this regard have become more positive for both Roma and non-Roma in at least most of the successor states, with an increase in the gap between Roma and non-Roma reported only in Croatia.¹⁰² At the same time, despite reductions in the gap between Roma and non-Roma in the financial affordability of medicines in most (and possibly all) of the successor states between 2004 and 2011, gaps of more than twenty percentage points remain common. While no broadly comparable data are

Table 4. Access to medicines

Country	Essential drugs out of financial reach	
	Roma	Non-Roma
Bosnia and Herzegovina	68%	38%
Croatia	44%	16%
Kosovo ¹⁰³	86%	47%
Macedonia	68%	32%
Montenegro	19%	10%
Serbia	66%	32%
Slovenia	No data	No data

Source: United Nations Development Programme (2011)

available from Slovenia, the findings of a survey conducted in 2007 pointed to health inequalities including but not limited to a higher incidence of chronic diseases among Roma.¹⁰⁴



4.4. Housing

The proportion of Romani households in insecure housing¹⁰⁵ decreased from 2004 to 2011 in Bosnia and Herzegovina, Macedonia, and Serbia. In Croatia and Montenegro, on the other hand, the proportion of Romani households in such housing increased over the same period. In all five successor states covered by the two surveys, however, gaps of at least 20 percent were apparent between Roma and non-Roma. In Slovenia, which was not included in the regional surveys, approximately half of the Romani population lives in temporary dwellings such as shacks, containers, or caravans.¹⁰⁶ In Kosovo, on the other hand, anecdotal evidence suggests that the quality of housing is less problematic for Roma than is recovering property occupied in

connection with the armed conflict of 1999.¹⁰⁷

Where access to improved sanitation¹⁰⁸ is concerned, gaps between Roma and non-Roma varied widely as of 2011, from nine percent (in Macedonia) to 40 percent (Croatia). The state of affairs documented by the 2011 survey reflects a shrinking gap between Roma and non-Roma in all included successor states, including most notably reductions of more than 40 percentage points each in Bosnia and Herzegovina and Montenegro. No broadly comparable data are available for Slovenia in relation to this indicator, but the *National Programme of Measures for Roma* notes that Romani settlements are not generally connected to sewer systems.¹⁰⁹

Table 5. Housing conditions

Country	Insecure housing		No indoor toilet or bathroom	
	Roma	Non-Roma	Roma	Non-Roma
Bosnia and Herzegovina	35%	5%	22%	9%
Croatia	26%	4%	45%	5%
Kosovo ¹¹⁰	No data	No data	72%	45%
Macedonia	25%	5%	10%	2%
Montenegro	42%	12%	24%	5%
Serbia	38%	10%	39%	16%
Slovenia	No data	No data	No data	No data

Source: United Nations Development Programme (2011)



V. CONCLUSIONS

This paper has consisted primarily in an examination of the range of variation in official treatment of Roma in the Yugoslav successor states in terms of constitutional recognition, anti-discrimination legislation, primary education, legislation on minorities, provisions for political representation, Romani-specific central-level strategies and action plans, arrangements for advice on and policy toward Roma, and targeted mechanisms for Roma at local level. This range is smallest in regard to anti-discrimination legislation and the adoption of targeted policy for Roma at central level: the anti-discrimination laws adopted by the successor states have in common their coverage of ethnicity as a possible grounds for discrimination without mentioning Roma (or any other group) by name, and all successor states have adopted a targeted strategy for Roma covering the areas of education, employment, health, and housing (in addition to other thematic areas).

A wider range of variation is apparent in the successor states' constitutions, legislation on minorities and primary education, and in arrangements for local-level implementation of policy targeting Roma. All successor states' constitutions refer to minorities, and Roma are mentioned explicitly in four. With the exception of Slovenia, which has adopted different legal acts for different minorities, all successor states have adopted general legislation on minorities, with Roma receiving mention in four such laws. Laws on primary education in all the successor states attend explicitly to minorities in some way, but only Slovenian and Serbian legislation includes an explicit focus on Roma. At the local level, on the other hand, notwithstanding variation both

across and within the successor states, focal points have been employed in four states, whereas local action plans for Roma have been adopted in five successor states.

The parameters along which the successor states differ most are provisions for political representation and arrangements for advice and coordination of policy toward Roma. Where representation is concerned, the range at central level is from *de jure* (as well as *de facto*) exclusion in Bosnia and Herzegovina to reserved seats in Croatia and Kosovo. Finally, whereas three successor states operate a Romani-specific unit to manage and coordinate relevant policy, such units are absent in the other four successor states.

In addition to comparing the Yugoslav successor states along eight parameters related to the official treatment of Roma, this paper has presented data amounting to a rough sketch of the situation of Roma in the successor states and how it has developed in recent years. Overall, these data point to modest improvements in the areas of education and health alongside more ambivalent developments in the areas of employment and housing. While the trends apparent from the data also say something about the overall success of policies toward Roma in each of the Yugoslav successor states, they do not allow more specific conclusions to be drawn about the effects of different policy approaches on the situation of Roma. Notwithstanding the potential of research in this direction to provide the foundations for more effective policies, the realization of this potential has generally been held back – in the Yugoslav successor states as elsewhere in Europe – by inadequate data gathering on the part of governments.



Endnotes

¹ As used in this paper, the term ‘Yugoslav successor state’ refers to Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Serbia, and Slovenia. While Kosovo’s status relative to Serbia is beyond the scope of this paper, the fact that policy in Kosovo is independent of policy in Serbia is sufficient justification for treating Kosovo here as a successor state in its own right.

² Many Roma and non-Roma think of Ashkali and Egyptians as Roma, but Ashkali and Egyptians consider themselves distinct from Roma on historical, linguistic, and cultural grounds. With regard to the origins of Roma, there is general agreement among scholars from various disciplines that the Roma originated on the Indian subcontinent (see, for example, Bernasovský, Ivan, and Jarmila Bernasovská, *Anthropology of Romanies (Gypsies): Auxological and Anthropogenetical Study* (NAUMA/Universitas Masarykiana, Brno, 1999); Fraser, Angus, *The Gypsies* (Cambridge, Blackwell, 2nd ed. 1995); Kenrick Donald. *Gypsies: From India to the Mediterranean* (Gypsy Research Center/CRDP Midi Pyrénées, Toulouse, 1993); Marushiakova, Elena, and Vesselin Popov. *Gypsies in the Ottoman Empire: A Contribution to the History of the Balkans*, Donald Kenrick (ed), (Centre de recherches tsiganes and University of Hertfordshire Press, Paris and Hatfield, 2001); Sinclair, Albert Thomas. “The Word ‘Rom’”. *3 Journal of the Gypsy Lore Society* (1909-1910), 33-42;

Egyptians, on the other hand, trace their roots to Egypt, whereas Ashkali accounts propose Iran, Palestine and ancient Rome as the Ashkali homeland (Marushiakova, Elena, *et al.*, *Identity Formation among Minorities in the Balkans: The Cases of Roms, Egyptians and Ashkali in Kosovo* (Minority Studies Society *Studii Romani*, Sofia: 2001).

³ Lockwood, William G. “East European Gypsies in Western Europe: The Social and Cultural Adaptation of the Xoraxane”. (21/22) *Nomadic Peoples* (1986), 63-70, at 63.

⁴ Služben vesnik na Socijalistička republika Makedonija. *Ustav na Socijalistička federativna republika Jugoslavija, Amandmani na Ustavot na SFRJ, Ustav na Socijalistička republika Makedonija, Amandmani na Ustavot na SRM [Constitution of the Socialist Federal Republic of Yugoslavia, Amendments to the Constitution of SFRY, Constitution of the Socialist Republic of Macedonia, Amendments to the Constitution of SRM]*. (Skopje, Služben vesnik na Socijalistička republika Makedonija, 1981); Stalin, Joseph, *Joseph Stalin: Marxism and the National Question, Selected Writings and Speeches*. (International Publishers, New York, 1942a), 12, 65; Stalin, Joseph, *Marxism and the National Question, Selected Writings and Speeches*. (International Publishers, New York, 1942), 117.

⁵ Kovačec, August “Language Planning in Yugoslavia”, in Ranko Bugarski and Celia Hawkesworth (eds.), *Languages of National Minorities and Ethnic Groups in Yugoslavia* (Columbus, Slavica Publishers, Inc., 1991), 43-58.; In practice, nations were groups the majority of the members of which lived on Yugoslav territory and which lacked a state outside SFRY: Serbs, Croats, Slovenes, Macedonians, Montenegrins, and, after 1971, Muslims (Škiljan, Dubravko. *Jezična politika [Language Policy]* (Zagreb, Naprijed, 1988), 67). Albanians, Bulgarians, Czechs, Italians, Magyars, Romanians, Rusyns, Turks, and Ukrainians were not categorized as nations because most members of these groups resided outside Yugoslav territory and all except the Rusyns had a state outside Yugoslavia. On the other hand, their relative autonomy led to their classification as nationalities rather than ethnic groups. Finally, ethnic groups were autochthonous but lacking sufficient concentration (e.g., Jews), sufficient national differentiation (e.g., Vlachs), or exhibiting “a historical mortgage of nomadism” (e.g., Roma) (Kovačec, 1991), at 46; Devetak, Silvo. *The Equality of Nations and Nationalities in Yugoslavia: Successes and Dilemmas* (Vienna, Wilhelm Braumüller, 1988), 42).

⁶ *Ibid.*

The legal status of Roma in the Socialist Federal Republic of Yugoslavia and its constituent republics is a matter of some debate (see also: Crowe, David M. *A History of the Gypsies of Eastern Europe and Russia*. (New York: St. Martin's Griffin, 1996), 228; Kenrick, Donald. “Between Past and Future: The Roma of Central and Eastern Europe”, in Will Guy (ed.), *Former Yugoslavia: A Patchwork of Destinies* (Hatfield, University of Hertfordshire Press, 2001), 405-25, at 409; Poulton, Hugh. *The Balkans: Minorities and States in Conflict*. (London: Minority Rights Group, 1991), 87; Poulton, Hugh, “The Roma in Macedonia: A Balkan Success Story?” (19) *RFE/RL Research Report 2* (1993), 42-45, at 42; Poulton, Hugh, “Non-Albanian Muslim Minorities in Macedonia” in James Pettifer (ed.), *The New Macedonian Question* (New York, St. Martin's Press, 1999), 119).

Clear in any case is that the terms ‘Roma’ and ‘Gypsies’ do not appear in any constitution promulgated in Yugoslavia or in any amendments to these constitutions from 1946 to 1989. At the same time, the existence of a



census category for Gypsies from 1948 and the fact that inclusion in this category was based on voluntary (self-) designation together provide a clear indication of official recognition (Victor Friedman, personal communication; see also Friedman, Victor A. “Romani and the Census in the Republic of Macedonia”. (2) *Journal of the Gypsy Lore Society* 5(1996), 89-101, at 90).

⁷ Lockwood, William G, *Op.cit.*note 3; Friedman, Victor A. “The Romani Language in the Republic of Macedonia: Status, Usage, and Sociolinguistic Perspectives”. (3-4) *Acta Linguistica Hungarica* 46 (1999), 317-39, at 327-328; Friedman, Victor A. Romani Multilingualism in its Balkan Context. *Sprachtypologie und Universalienforschung* 54 (2001), 148-61; Poulton, Hugh. *The Balkans: Minorities and States in Conflict. Op.cit.*note 6, 89; Poulton, Hugh, “The Roma in Macedonia: A Balkan Success Story?” (19) *RFE/RL Research Report* 2 (1993), 42-45, at 42; Puxon, Grattan, *Rom: Europe's Gypsies*. Revised and Updated Edition (London: Minority Rights Group, 1987), 12; Reemstma, Katrin. *Roma in Mazedonien* (Göttingen, Gesellschaft für bedrohte Völker, 1995), 10; Silverman, Carol. “Persecution and Politicization: Roma (Gypsies) of Eastern Europe”, 19 (2) *Cultural Survival Quarterly* (1995), 43-49, at 45; Šipka, Milan. “Potreba, značaj i perspektive proučavanje jezika i kulture Roma [The Need, Significance, and Prospects for the Study of the Language and Culture of the Roma]”, in Milan Šipka (ed.), *Jezik i kultura Roma* (Sarajevo, Institut za proučavanje nacionalnih odnosa, 1989), xxxii-xl.

⁸ Friedman, Victor A. “The Romani Language in the Republic of Macedonia: Status, Usage, and Sociolinguistic Perspectives”. (3-4) *Acta Linguistica Hungarica* 46 (1999), 317-39, at 327.

⁹ *Ibid*, 328.

¹⁰ Kenrick, Donald. “Between Past and Future: The Roma of Central and Eastern Europe”, *Op.cit.*note 6, at 406, 413; Šipka, Milan. “Potreba, značaj i perspektive proučavanje jezika i kulture Roma [The Need, Significance, and Prospects for the Study of the Language and Culture of the Roma]”, *Op.cit.*note 6, xxxii; Puxon, Grattan, *Rom: Europe's Gypsies. Op.cit.*note 7, 131.

¹¹ Šipka, Milan. “Potreba, značaj i perspektive proučavanje jezika i kulture Roma [The Need, Significance, and Prospects for the Study of the Language and Culture of the Roma]” *Op.cit.*note 6, xxxiii; Reemstma, Katrin. *Roma in Mazedonien* (Göttingen, Gesellschaft für bedrohte Völker, 1995), 13.

¹² Poulton, Hugh. *The Balkans: Minorities and States in Conflict. Op.cit.*note 6, 111.

¹³ Reemstma, Katrin. *Roma in Mazedonien. Op.cit.*note 11, 10; See also: Friedman, Victor A. “The Romani Language in the Republic of Macedonia: Status, Usage, and Sociolinguistic Perspectives”. *Op.cit.*note 7, 327; Šipka, Milan. “Potreba, značaj i perspektive proučavanje jezika i kulture Roma [The Need, Significance, and Prospects for the Study of the Language and Culture of the Roma]”, *Op.cit.*note 6, xxxiv.

¹⁴ Silverman, Carol. “Persecution and Politicization: Roma (Gypsies) of Eastern Europe”, 19 (2) *Cultural Survival Quarterly* (1995), 43-49, at 45; Poulton, Hugh, “The Roma in Macedonia: A Balkan Success Story?” (19) *RFE/RL Research Report* 2 (1993), 42-45, at 42.

¹⁵ Council of Ministers of Bosnia and Herzegovina, 2009. Constitution of Bosnia and Herzegovina. (Sarajevo: Council of Ministers of Bosnia and Herzegovina), Articles I.7, II.4.

¹⁶ Official Gazette of Bosnia and Herzegovina. Framework Law on Primary and Secondary Education in Bosnia and Herzegovina. 18 *Official Gazette of Bosnia and Herzegovina* (2003), Articles II.A.2.1.d; II.A.2.1.r.

¹⁷ Official Gazette of Republika Srpska 1996: Articles 5 and 10.

¹⁸ National Assembly of the Republic of Serbia, *Constitution of the Republic of Serbia*. (Official Gazette of the Republic of Serbia, Belgrade, 2006), Articles 1, 3.

¹⁹ *Ibid*, Articles 76, 78.

²⁰ Constitutional Assembly of the Republic of Montenegro, *Constitution of the Republic of Montenegro*. (Official Gazette of the Republic of Montenegro, Podgorica, 2007), Preamble.

²¹ *Ibid*, Article 80.

²² Constitutional Commission of the Republic of Kosovo. *Constitution of the Republic of Kosovo*. (Prishtinë/Priština, Government of Kosovo, 2008), Article 62(2).

²³ *Ibid*, Article 58.

²⁴ Narodne novine, Constitution of the Republic of Croatia (Consolidated Text).76 *Narodne novine* (2010).

²⁵ *Ibid*, Articles 14-15.

²⁶ Assembly of the Republic of Macedonia. *Constitution of the Republic of Macedonia* (Assembly of the Republic of Macedonia, Skopje, 2001), Amendment IV.

²⁷ Official Gazette of the Republic of Slovenia, Constitution. 47 *Official Gazette of the Republic of Slovenia* (2013), Articles 3, 65.



²⁸ *Ibid*, see Articles 5, 11, 64, 80.

²⁹ See Official Gazette of the Provisional Institutions of Self-Government in Kosovo. The Anti-Discrimination Law. 3 *Official Gazette of the Provisional Institutions of Self-Government in Kosovo* (2004); Official Gazette of the Republic of Slovenia, Act Implementing the Principle of Equal Treatment, 93 *Official Gazette of the Republic of Slovenia* (2007); Official Gazette of the Republic of Croatia, Anti-Discrimination Act. 85 *Official Gazette of the Republic of Croatia* (2008); Official Gazette of Bosnia and Herzegovina, *Op.cit.*note 16; Official Gazette of the Republic of Serbia, Law on the Prohibition of Discrimination. 22 *Official Gazette of the Republic of Serbia* (2009); Official Gazette of the Republic of Macedonia, Law on Prevention and Protection against Discrimination. 50 *Official Gazette of the Republic of Macedonia* (2010); Official Gazette of Montenegro, Law on Prohibition of Discrimination, 46 *Official Gazette of Montenegro* (2010).

³⁰ Official Journal of the European Communities, Charter of Fundamental Rights of the European Union. C364 *Official Journal of the European Communities* (2000).

³¹ Official Gazette of the Republic of Serbia, Law on the Prohibition of Discrimination, *Op.cit.*note 28, Article 24.

³² Official Gazette of Montenegro, Law on Prohibition of Discrimination, *Op.cit.*note 28, Article 6; see also ECtHR, *D.H. and Others v. The Czech Republic*, 2007, Strasbourg, Council of Europe.

³³ Official Gazette of Bosnia and Herzegovina, *Op.cit.*note 16, Article 10.

More specific provisions on education vary by entity and – within the Federation of Bosnia and Herzegovina – from one canton to the next.

³⁴ Narodne novine, Zakon o odgoju i obrazovanju u osnovnoj i srednjoj školi [Law on Primary and Secondary Education]. 87 *Narodne novine* (2008), Articles 119, 142.3.3.

³⁵ Narodne novine, Zakon o izmjenama i dopunama Zakona o odgoju i obrazovanju u osnovnoj i srednjoj školi [Law on Changes and Amendments to the Law on Primary and Secondary Education]. 92 *Narodne novine* (2010), Article 2.

³⁶ Narodne novine, Zakon o uporabi jezika i pisma nacionalnih manjina u Republici Hrvatskoj [Law on the Use of Languages and Alphabets of National Minorities in the Republic of Croatia], 56 *Narodne novine* (2000), Article 2.

³⁷ Služben vesnik na Republika Makedonija, Zakon za osnovnoto obrazovanie [Law on Primary Education]. 103 *Služben vesnik na Republika Makedonija* (2008), Article 3.

³⁸ Official Gazette of the Republic of Kosovo, Law No. 04/L - 32 on Pre-University Education in the Republic of Kosovo. 17 *Official Gazette of the Republic of Kosovo* (2011), Article 1.2.

³⁹ Ministry of Education, Science and Technology, *Curriculum Framework for Pre-School, Primary, Secondary and Post-Secondary Education*. (Ministry of Education, Science and Technology, Prishtina/Priština, 2010), Section 2.1; see also Official Gazette of the Republic of Kosovo, *Op.cit.* note 37, Article 24.

⁴⁰ Official Gazette of the Republic of Kosovo, *Op.cit.* note 37, Article 39.2.

⁴¹ Službeni list Crne Gore: Opšti zakon o obrazovanju i vaspitanju [General Law on Education]. 44 *Službeni list Republike Crne Gore* (2013), Article 11.

⁴² Službeni glasnik Republike Srbije, Zakon o osnovama sistema obrazovanja i vaspitanja [Law on the Bases of the Educational System], 55 *Službeni glasnik Republike Srbije* (2013), Article 121.

⁴³ Službeni glasnik Republike Srbije: Zakon o osnovnoj školi [Law on Primary Education], 72 *Službeni glasnik Republike Srbije* (2009), Article 5.

⁴⁴ *Op.cit.* note 41, Articles 9, 58.

⁴⁵ Uradni list Republike Slovenije: Zakon o osnovni šoli - uradno prečiščeno besedilo, 102/07, 107/10, 87/11, 40/12 - ZUJF in (63/13) [Law on Primary Education - Official Consolidated Text]. 81 *Uradni list Republike Slovenije* (2006), Article 9.

⁴⁶ Uradni list Republike Slovenije: Zakon o romski skupnosti v Republici Sloveniji (ZRomS-1) [Law on the Romani Community in the Republic of Slovenia]. 33 *Uradni list Republike Slovenije* (2007), Article 4.1.

⁴⁷ *Ibid*, Article 4.3.

⁴⁸ Also noteworthy in the legislation on minorities adopted in Croatia, Montenegro, and Serbia are provisions aimed explicitly at protecting minorities from attacks on their rights from without. Thus, the *Constitutional Act on the Rights of National Minorities in the Republic of Croatia* guarantees national minorities and their members protection from acts with potential to “endanger their existence and exercise of rights and freedoms” (Narodne novine: Constitutional Act on the Rights of National Minorities in the Republic of Croatia. 80 *Narodne novine* (2010), Article 7; see also Article 4). Montenegro’s *Law on Minority Rights and Freedoms* prohibits attempts at



demographic engineering with the aim of restricting rights and freedoms in areas inhabited by minority communities (Službeni list Crne Gore, Zakon o manjinskim pravima i slobodama [Law on Minority Rights and Freedoms]. 2 *Službeni list Crne Gore*, (2011), Article 39). Finally, Serbia's *Law on the Protection of the Rights and Freedoms of National Minorities* contains prohibitions on forced assimilation and measures that change the ethnic composition of areas inhabited by national minorities in order to restrict the application of minority rights (Službeni list Savezne Republike Jugoslavije, Zakon o zaštiti prava i sloboda nacionalnih manjina [Law on Protection of the Rights and Freedoms of National Minorities]. 11 *Službeni list Savezne Republike Jugoslavije*, (2002), Articles 5 and 22. At: <http://www.tvojpglas.rs/upload//files/Zakon_o_zastiti_prava_i_sloboda_nacionalnih_manjina.pdf>).

⁴⁹ Official Gazette of Bosnia and Herzegovina, Constitution of the Federation of Bosnia and Herzegovina. 63 *Official Gazette of the Federation of Bosnia and Herzegovina* (2003), Article 3.

⁵⁰ Official Gazette of the Republic of Kosovo, The Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo. 3 *Official Gazette of the Republic of Kosovo* (2010), Article 1.

⁵¹ See Narodne novine, Constitutional Act on the Rights of National Minorities in the Republic of Croatia. *Op.cit.* note 47; Služben vesnik na Republika Makedonija, Zakon za unapređivanje i zaštita na pravata na pripadnicite na zaednicite koi se pomalku od 20% od naselenieto vo Republika Makedonija [Law on Advancement and Protection of the Rights of the Members of the Communities Which Are Less than 20% of the Population in the Republic of Macedonia]. 92 *Služben vesnik na Republika Makedonija* (2008).

⁵² Službeni list Savezne Republike Jugoslavije, *Op.cit.*note 47; Službeni list Crne Gore, Zakon o manjinskim pravima i slobodama, *Op.cit.*note 47.

⁵³ See Uradni list Republike Slovenije, *Op.cit.*note 45.

⁵⁴ See, for example, Official Gazette of the Republic of Slovenia, Law on Self-Governing Ethnic Communities, 65 *Official Gazette of the Republic of Slovenia*, (1994).

⁵⁵ Uradni list Republike Slovenije 2007, *Op.cit.*note 45, Articles 2-3.

⁵⁶ See also Government of the Republic of Slovenia. *National Programme of Measures for Roma of the Government of the Republic of Slovenia for the Period 2010-2015* (Government of the Republic of Slovenia, Ljubljana, 2010).

⁵⁷ Council of Ministers of Bosnia and Herzegovina, *Op.cit.*note 15, Articles IV and V.

⁵⁸ See Official Gazette of Bosnia and Herzegovina, *Op.cit.*note 48, Article II.A.2.2.b; Official Gazette of Republika Srpska, Constitution of Republika Srpska. 21 *Official Gazette of Republika Srpska*, (1996), Article 33.

⁵⁹ Official Gazette of Bosnia and Herzegovina, *Op.cit.*note 48, Articles 19-20.

⁶⁰ *Ibid*, Article 13.14.

⁶¹ Narodne novine, Constitution of the Republic of Croatia (Consolidated Text), *Op.cit.*note 23, Article 15.

⁶² Narodne novine, Constitutional Act on the Rights of National Minorities in the Republic of Croatia. *Op.cit.*note 47, Articles 7, 19.

⁶³ *Ibid*, Article 36.

⁶⁴ Constitutional Commission of the Republic of Kosovo, *Constitution of the Republic of Kosovo*. *Op.cit.*note 21, Article 64.

⁶⁵ Official Gazette of the Republic of Kosovo, Law on General Elections in the Republic of Kosovo. 3 *Official Gazette of the Republic of Kosovo* (2008), Article 111.

⁶⁶ Official Gazette of the Republic of Kosovo, *Op.cit.*note 49, Article 12.

⁶⁷ Constitutional Commission of the Republic of Kosovo, *Op.cit.*note 21, Article 62.

⁶⁸ Assembly of the Republic of Macedonia, *Constitution of the Republic of Macedonia*, *Op.cit.*note 25, Amendment XII.

⁶⁹ Služben vesnik na Republika Makedonija, Izboren zakonik [Electoral Law]. 32 *Služben vesnik na Republika Makedonija* (2014).

⁷⁰ Služben vesnik na Republika Makedonija, *Op.cit.*note 50, Chapter II.

⁷¹ Constitutional Assembly of the Republic of Montenegro, *Constitution of the Republic of Montenegro*, *Op.cit.*note 19, Article 79.

⁷² Službeni list Crne Gore 2011. Zakon o izboru odbornika i poslanika [Law on the Election of Counselors and Members of Parliament]. 46 *Službeni list Crne Gore* (2011), Article 94.

The exception to the threshold of 0.7 percent for minority electoral lists is the Croatian population, which may elect a representative in parliament with a minimum of 0.35 percent of all valid votes (Službeni list Crne Gore 2011: Zakon o izboru odbornika i poslanika [Law on the Election of Counselors and Members of Parliament]. 46 *Službeni*



list Crne Gore, Article 94).

⁷³ Službeni list Crne Gore, Zakon o manjinskim pravima i slobodama, *Op.cit.*note 47, Articles 33-35

⁷⁴ *Ibid.*, Article 28.

⁷⁵ National Assembly of the Republic of Serbia, *Constitution of the Republic of Serbia*, *Op.cit.*note 17, Article 75.

⁷⁶ Službeni list Savezne Republike Jugoslavije, *Op.cit.*note 47, Article 19.

⁷⁷ Službeni glasnik Republike Srbije, Zakon o izboru narodnih poslanika [Law on the Election of Members of Parliament], 36 *Službeni glasnik Republike Srbije*,(2011), Articles 81-82.

⁷⁸ Official Gazette of the Republic of Slovenia, Constitution, *Op.cit.* note 26, Article 64.

⁷⁹ Državni zbor 2011."Electoral System." At: <<https://www.dz-rs.si/wps/portal/en/Home/PoliticiSistem/VolitveInVolilniSistem>> (accessed: 29 July 2014); Uradni list Republike Slovenije, Zakon o volitvah v Državni zbor [Law on Elections to the State Assembly]. 109 *Uradni list Republike Slovenije* (2006), Article 2.

⁸⁰ Uradni list Republike Slovenije, Zakon o lokalni samoupravi - uradno prečiščeno besedilo, 76/08, 79/09, 51/10 in 40/12 - ZUJF [Law on Local Self-Government - Official Consolidated Text], 94 *Uradni list Republike Slovenije*, (2007a), Article 39. The procedures for electing Romani representatives to municipal councils are enumerated in the *Law on Local Elections* (Uradni list Republike Slovenije, Zakon o lokalnih volitvah - uradno prečiščeno besedilo, 45/08 in 83/12 [Law on Local Elections - Official Consolidated Text]. 94 *Uradni list Republike Slovenije*, (2007).

⁸¹ Uradni list Republike Slovenije, *Op.cit.*note 45, Articles 9-10.

⁸² The Decade of Roma Inclusion 2005-2015 began with a declaration by the governments of nine East European countries and a set of international partners under the leadership of the Open Society Institute and the World Bank for the purpose of "eliminating discrimination and closing the unacceptable gaps between Roma and the rest of society" (International Steering Committee, *Decade of Roma Inclusion 2005-2015: Terms of Reference* (Bucharest: International Steering Committee, 2005). Whereas Croatia, Macedonia, Montenegro, and Serbia have participated in the Decade since its founding, Bosnia and Herzegovina and Slovenia joined (the latter as an observer) in 2009. Kosovo has applied to join the Decade but has not received an official response to its application. More information on the Decade of Roma Inclusion is at: <www.romadecade.org>.

⁸³ These same four themes were also adopted by the European Commission in its call to EU members to adopt National Roma Integration Strategies (see European Commission 2011. *An EU Framework for National Roma Integration Strategies up to 2020. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM (2011) 173 final*. Brussels: Commission of the European Communities).

⁸⁴ See Government of the Republic of Kosovo, *Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo, 2009-2015* (Prishtina/Priština: Government of the Republic of Kosovo, 2008); Ministry for Human and Minority Rights, *Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016* (Podgorica: Ministry for Human and Minority Rights, 2012); Ministry of Human and Minority Rights, *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (Belgrade: Ministry of Human and Minority Rights, 2010); Ministry of Labor and Social Policy, *Strategy for Roma in the Republic of Macedonia* (Skopje, Ministry of Labor and Social Policy, 2004); Vijeće Ministara Bosne i Hercegovine, *Strategija Bosne i Hercegovine za rješavanje problema Roma [Strategy of Bosnia and Herzegovina for Solving the Problems of the Roma]* (Sarajevo, Vijeće Ministara Bosne i Hercegovine, 2005).

⁸⁵ Government of the Republic of Slovenia, *Op.cit.*note 55. Vlada Republike Hrvatske, *Nacionalna strategija za uključivanje Roma, za razdoblje od 2013. do 2020 godine [National Strategy for the Inclusion of the Roma, for the Period from 2013 to 2020]* (Zagreb, Vlada Republike Hrvatske, 2012).

⁸⁶ See Council of Ministers of Bosnia and Herzegovina (2004), *Action Plan on the Education Needs of Roma and Members of Other National Minorities in Bosnia and Herzegovina* (Sarajevo: Council of Ministers of Bosnia and Herzegovina); Government of the Republic of Kosovo (2009), *The Republic of Kosovo Action Plan on the Implementation of the Strategy for the Integration of Roma, Ashkali and Egyptian Communities, 2009-2015* (Prishtina/Priština: Government of the Republic of Kosovo); Ministarstvo za ljudska i manjinska prava (2012), *Akcionni plan za sprovođenje Strategije za poboljšanje položaja Roma i Egipćana u Crnoj Gori 2012-2016 za 2012. godinu [Action Plan for Implementation of the Strategy for Improving the Position of Roma and Egyptians in Montenegro 2012-2016 for 2012]* (Podgorica: Ministarstvo za ljudska i manjinska prava); Ministerstvo za trud i socijalna politika (2009), *Revizija na Nacionalnite akciski planovi od "Dekadata za uključivanje na Romite 2005-2015" i Strategija za Romite vo Republika Makedonija za period 2009-2011 [Revision of the National Action Plans*



of the Decade of Roma Inclusion 2005-2015 and Strategy for Roma in the Republic of Macedonia for the Period 2009-2011] (Skopje: Ministerstvo za trud i socijalna politika); 2010, *Nacionalen akciski plan za unapreduvanje na opštественata položba na Romkite vo R. Makedonija 2011-2013* [National Action Plan for Advancement of the Societal Position of Romani Women in the Republic of Macedonia 2011-2013] (Skopje: Ministerstvo za trud i socijalna politika); Ministry for Human Right and Refugees (2013), *Revised Action Plan of Bosnia and Herzegovina for Addressing Roma Issues in the Field of Employment, Housing and Healthcare 2013-2016* (Sarajevo: Ministry for Human Rights and Refugees); Ministry of Human and Minority Rights (2010), *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (Belgrade: Ministry of Human and Minority Rights); Vlada Republike Hrvatske (2013), *Akcijski plan za provedbu Nacionalne strategije za uključivanje Roma, za razdoblje od 2013. do 2015. godine* [Action Plan for Implementation of the National Strategy for the Inclusion of the Roma, for the period from 2013 to 2015] (Zagreb: Vlada Republike Hrvatske). Slovenia has not adopted a separate action plan for realization of the strategic goals of the *National Programme of Measures for Roma*, but the *National Programme* itself contains fairly detailed information on planned measures (see *Op.cit.* note 84).

⁸⁷ Government of the Republic of Slovenia, *Op.cit.* note 55, Section 4.5.2.2; Ministry of Human and Minority Rights 2010: *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (Belgrade: Ministry of Human and Minority Rights), 55, 118.

⁸⁸ The Autonomous Province of Vojvodina operates its own institutions for managing implementation of policies toward Roma on its territory. See Balić, Osman *et al.* *Civil Society Monitoring on the Implementation of the National Roma Integration Strategy and Decade Action Plan in Serbia in 2012 and 2013* (Budapest: Decade of Roma Inclusion Secretariat Foundation, 2014), 35.

⁸⁹ Government of the Republic of Macedonia 2009, *Information on the Conclusion of Memorandum for Cooperation between the Government of the Republic of Macedonia Represented by the Minister without Portfolio Nezdet Mustafa, the National Coordinator of the Decade of Roma Inclusion 2005-2015 and the Roma Strategy in Republic of Macedonia and the Municipalities* (Skopje: Government of the Republic of Macedonia).

⁹⁰ Uradni list Republike Slovenije, *Op.cit.* note 45, Article 7.

⁹¹ See Andrey Ivanov, *et al.*, *At Risk: Roma and the Displaced in Southeast Europe* (Bratislava: United Nations Development Programme, 2006); Andrey Ivanov, "Making Inclusion Truly Inclusive", 19 *Development and Transition* (2012), 3-6; United Nations Development Programme 2011 "Data on Roma." At: <<http://www.eurasia.undp.org/content/rbec/en/home/ourwork/povertyreduction/roma-in-central-and-southeast-europe/roma-data/>> (accessed: 4 September 2014).

⁹² See Brüggemann, Christian. "Roma Education in Comparative Perspective: Analysis of the UNDP/World Bank/EC Regional Roma Survey 2011" (Bratislava: United Nations Development Programme, 2012).

⁹³ Government of the Republic of Slovenia, *Op.cit.* note 55, Section 4.2.1

⁹⁴ Data for Kosovo in the columns labeled 'Roma' refer to Roma, Ashkali, and Egyptians and are taken from the *Kosovo Human Development Report 2010* (United Nations Development Programme 2010).

⁹⁵ The figures of 97.5 percent and 99.5 percent are UNICEF (2010, *Education in U.N. Administered Province of Kosovo*. Geneva: UNICEF) estimates for Albanian and Serbian children (respectively) between the ages of seven and 14.

⁹⁶ Data for Slovenia refer to net enrolment rates in primary and secondary education for the general population in 2011 (World Bank, 2014. "School Enrollment, Primary (% Net)." Web page available at <http://data.worldbank.org/indicator/SE.PRM.NENR/countries>; World Bank, 2014. "School Enrollment, Secondary (% Net)." Web page available at <http://data.worldbank.org/indicator/SE.SEC.NENR/countries>. [Both accessed 1 October 2014]).

⁹⁷ O'Higgins, Niall. "Roma and Non-Roma in the Labour Market in Central and South Eastern Europe", *the United Nations Development Programme* (Bratislava, United Nations Development Programme, 2012), 32-33.

⁹⁸ *Ibid.*, at 31.

⁹⁹ Data for Kosovo are taken from the *Kosovo Human Development Report 2010* (United Nations Development Programme 2010). Whereas the data in the column labeled 'Roma' refer to Roma, Ashkali, and Egyptians, the figure in the column 'Non-Roma' is for the general population.

¹⁰⁰ Whereas the figure for Roma in Slovenia comes from the government Office for National Minorities (2012), the figure in the column labeled 'Non-Roma' is for the general population in 2011 (World Bank, 2014. "Unemployment, Total (% of Labor Force) (Modeled ILO Estimate)." Web page [accessed 1 October 2014]. Available at <http://data.worldbank.org/indicator/SL.UEM.TOTL.ZS>).



¹⁰¹ *Ibid*, at 35.

¹⁰² Data from 2004 survey provided by UNDP. See also Mihailov, Dotcho. "The Health Situation of Roma Communities: Analysis of the Data from the UNDP/World Bank/EC Regional Roma Survey". *The United Nations Development Programme* (Bratislava: United Nations Development Programme, 2012), 34.

¹⁰³ Data for Kosovo in the column labeled 'Roma' refer to Roma, Ashkali, and Egyptians and come from a regional survey led by UNDP in 2004 (Ivanov, Andrey (ed), "*Faces of Poverty, Faces of Hope: Vulnerability Profiles for Decade of Roma Inclusion Countries*", United Nations Development Program (Bratislava: United Nations Development Programme, 2005).

¹⁰⁴ Government of the Republic of Slovenia, *Op.cit.*note 55, 4.4.1

¹⁰⁵ The term 'insecure housing' refers to houses in a poor state of repair and/or slums.

¹⁰⁶ Office for National Minorities 2012. "Roma Community." At

http://www.arhiv.uvn.gov.si/en/minorities/roma_community/ (accessed: 18 September 2014).

¹⁰⁷ See, for example: Visoka, Gezim, and Adem Beha, *Repatriation without Responsibility: The Nature and Implications of Roma, Ashkalia and Egyptian Forced Repatriation to Kosovo* (Prishtinë, Forum 2010).

¹⁰⁸ The term 'improved sanitation' refers to the presence of a toilet or bathroom inside the dwelling.

¹⁰⁹ *Op.cit.*note 101, Section 4.4.1.

¹¹⁰ *Op.cit.*note 102.



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