

Europe

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Threats and risks

Other than the direct threat to the life of ethnic and national minorities in armed conflicts, arguably the most worrying threats to ethnic and national minorities today are socio-economic exclusion and assimilation. Roma and Sinti minorities remain the most excluded and vulnerable groups in Europe, closely followed by immigrants and some refugee groups. The UN Millennium Development Goals adopted in 2000 hold that men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Moreover, they claim that no individual and no nation must be denied the opportunity to benefit from development, and that equal rights and opportunities of women and men must be assured.

The socio-economic disadvantage of members of ethnic and national minorities concerns their access to housing and services, health care, education and training, as well as employment. The socio-economic disadvantage of minorities results from direct and indirect discrimination, language barriers, lack of citizenship or status, and lack of recognition. In the employment sector, minorities are often excluded from public administration positions and relegated to the lowest-level jobs in the private sector. Self-employment and self-starters of small and medium-size enterprises (SMEs) are often lower than the average, except in certain parts of Europe where self-employment is basically the only way to survive and procure a small but inadequate income.

The level of education among certain minority groups is generally low. Ethnic and national minorities experience language difficulties in state school systems resulting in high drop-out rates and even non-attendance. Moreover, the number of ethnic and national minority teachers appears low, and segregation and special schooling have increasingly become the norm. Discrimination in the housing sector is especially troubling, with issues ranging from non-access in the private housing market, laws requiring residence permits to obtain public housing and health benefits, to issues of property restitution in post-conflict areas and poor municipal housing resembling ethnic ghettos in other areas. In many states, access to the public health sector not only requires prior registration but also insurance guarantees. Disadvantaged minorities usually do not have the means to buy insurance.

Across the board, female members of minorities often suffer double or triple discrimination: first as women, next as members of minorities and third as members of the poorest part of the population.

In spite of the lofty ideals set out in the UN Millennium Goals, governments are redirecting funds from economic development to fighting terrorism and in some cases to the war in Iraq. The reduction of funds not only puts minorities at risk but also the overall security of the European region. Certainly, the increased attention to international terrorism has also proven a threat to the rights and freedoms of Muslim minorities and immigrant communities living in Europe. Following the 11 September 2001 attacks and the Madrid and London bombings, European governments have adopted legislation curbing the rights of all citizens but mostly exercised in relation to Muslim communities. While there is a legitimate fear among Europeans that terrorism is threatening the security of a greater number of urban societies, the at times unwarranted use of force and police profiling against members of Muslim communities constitutes racial discrimination. Moreover, the mistreatment and singling out of Muslim individuals as alleged terrorists contribute to the rise in xenophobia among majority populations. Islamophobia is on the rise in most European societies and Muslims increasingly live in fear: fear of hostility, intimidation, discrimination and persecution.

The rise in racial discrimination and Islamophobia has been particularly acute for minorities in Western Europe. It took extreme forms in the Netherlands following the assassination of filmmaker Theo Van Gogh in November 2004, which came after that of Pim Fortyyn, an anti-immigration politician in 2003. After Van Gogh's death, a wave of arson attacks targeted mosques and Muslim schools. This came as a surprise to many who believed that there was a Dutch tradition of tolerance and respect for different cultures rather than a reality of avoidance and disregard. Racist and xenophobic attitudes have also been on the rise in France where the entry into force in 2004 of the law forbidding Muslim girls to wear headscarves while receiving instruction in class has exacerbated the situation of Muslim minorities considerably.

International initiatives

Although the initiatives of the international community in Europe have been manifold, the concerted effort is difficult to evaluate. The division



Above: Auschwitz survivor at ceremony marking the 60th anniversary of the concentration camp liberation. Bjoern Steinz/Panos Pictures

of labour of the European governance regime initiated in the early 1990s after the 'soft' revolutions in Eastern Europe and the collapse of the USSR has continued much in the same vein. The Council of Europe has championed the normative approach and made a considerable impact with monitoring cycles under the 1995 Framework Convention for the Protection of National Minorities (FCNM). While governments are now forced to deal with the issue of minority rights directly, the value of the instrument and its monitoring is not yet fully embraced by all sectors of the public administrations of state parties, and the general awareness of it is inadequate. The Organization for Security and Cooperation in Europe (OSCE) has, on the other hand, continued the security approach and has been especially successful in contributing to stability in South-East Europe, but is also making good progress with the governments in the former Soviet Union (FSU) and Eastern Europe, especially through the good work of its field offices and the efforts of the High Commissioner on National Minorities (HCNM). Especially pro-active was the OSCE Economic Forum in May 2005, by putting the socio-economic integration of persons belonging to national minorities on the agenda. Although the willingness to address integration is strong in OSCE member states, the actual ability to transform this into action proved rather more difficult. While the European Union (EU) has encouraged compliance with international law through its conditionality policy, it is questionable how successful the post-2004 enlargement will be in terms of influencing the internal normative barometer in the 25 EU members. This may also founder on the stalled ratification process of the EU Constitution. The conditionality policy, coupled with the requirement for regional reconciliation, is not achieving such good results in the Western Balkans, however, where reforms are slow.

The EU's soft governance impact on the economic prosperity of new member states, and thus the prospect of greater socio-economic inclusion of minorities, is rather more positive. This is in part due to the adoption in 2000 of the Lisbon Strategy to improve the human and social capital of Europe and the subsequent initiation of the informal approach in the Open Method of Cooperation (OMC) to improve member states' social inclusion

programmes, both of which have begun to address the socio-economic exclusion of minorities.

Of course, the World Bank's embracing of a Decade of Roma Inclusion in February 2005 stands out as a particularly strong initiative. Set to run from 2005 to 2015, the Decade of Roma Inclusion was initiated by the World Bank, the Open Society Institute and the Hungarian government in summer 2003. The Decade has four priority areas: education, employment, health and housing, and two cross-cutting areas, gender and non-discrimination. Under the Roma Education Fund, special attention is given to the role of education in combating the complex marginalization of Roma.

The governments of Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Romania, Serbia and Montenegro, and Slovakia have signed up to the Decade's action plan. To date, however, the record of the participating countries and of the sponsoring organizations in moving toward the stated goals has been mixed. One of the most positive aspects of the Decade has been the collection of relatively high-quality data in the participating countries, as well as further afield, through a survey coordinated by the United Nations Development Programme (UNDP). Unfortunately, the participation of Roma in the designing, drafting and implementation of plans under the Decade also remains unsatisfactory, and little funding is in fact allocated to this.

Constituting a significant improvement not only over the official statistics available from the countries covered but also over the World Bank's own previous studies on Roma minorities, the UNDP survey has already generated a considerable body of new data useful both for documenting the current marginalization of Roma and for monitoring progress in the implementation of the national action plans of the countries participating in the Decade. This, on the other hand, could have the adverse effect of taking the participating countries 'off the hook' over systematic collection of disaggregated data.

The funding of the Roma Decade as a whole remains of concern. Funding for Decade initiatives is expected to come primarily from the signatory governments. It is assumed that participating countries will reallocate resources in their national budgets to finance implementation of their action plans, and both the World Bank and the Open Society Institute have made it clear that the Decade

is not a new funding source. The Open Society Institute has pledged \$30 million to the Roma Education Fund (as well as supporting other Decade activities), but the sum total of pledges to the Education Fund remains below US\$50 million, and it must be kept in mind that these funds are to be spread over eight countries over a 10-year period. The overall level of funding to address the problems faced by Roma in Eastern Europe and the former Soviet Union remains inadequate, in part because national governments have not allocated sufficient resources, as well as intergovernmental donors. Finally, the change of the presidency at the World Bank has been cited as a new concern for the success of the Decade.

Minority rights developments

At the international level, the beginning of the 21st century was characterized by the putting into practice of the minority rights standards reached in Europe in the 1990s. The greatest activities have been on the monitoring side, with reporting systems coming into full swing. Moreover, both the Council of Europe and the EU have convened new expert groups, and the Council of Europe has established a Roma/Sinti and Travellers Forum. At the political level, ratifications have been achieved, and the impact of the Copenhagen Criteria has begun to extend into the Balkans. In the FSU, the European minority regime is gaining influence, and the 2005 Economic Forum of the OSCE was successful in putting improved implementation of the socio-economic rights of national minorities on the agenda. Standard-setting remains the exclusive prerogative of the Council of Europe with Protocol 12 to the European Convention on Human Rights (ECHR) coming into force in April 2005.

European Union

Although the EU has followed a minimalist approach to minority rights in terms of focusing on combating discrimination, and given the fact that its Charter of Fundamental Rights, adopted in 2000, is not legally binding, there have nevertheless been positive developments in the area of minority protection in EU governance. The EU's Racial Equality Directive, adopted in 2000, and legally based on Article 13 of the Amsterdam Treaty, prohibits direct and indirect discrimination on the

basis of racial or ethnic origin, and includes employment, training, education, social security, health care, housing and access to goods and services. The Employment Equality Directive of the same year addresses the issue of discrimination in employment, occupation and training.

The deadline for the transposition of these Directives was 2003 for the then 15 EU members, and 2004 for the new member states, as part of the Community legislative *acquis*. However, in July and December 2004, the Commission referred five member states (Austria, Finland, Germany, Greece and Luxembourg) to the European Court of Justice for not communicating transposition of the Racial and Employment Equality Directives. Eventually, on 24 February 2005, Finland and Luxembourg were condemned by the European Court of Justice for failing to adopt legislation to transpose the Race Equality Directive. Among the compliance states, Slovakia adopted the Anti-Discrimination Act in May 2004, while Ireland approved the legislative status of the Equality Act in July 2004. France created a High Authority against Discrimination and for Equality in December 2004, and the Belgian Walloon-, French- and German-speaking regions adopted new legislation in May 2004, while Poland approved a Law on National and Ethnic Minorities and Regional Languages in May 2005. Legislation has also been adopted in non-member states, such as the Protection against Discrimination Act 2003 (in force in 2004) in Bulgaria, and the entry into force of legislation implementing the rules of the Employment Directive in Norway (May 2004). The fact that the EU gives a high priority to the issue of discrimination is illustrated with the establishment of a new Group of Commissioners for Fundamental Rights, Anti-Discrimination and Equal Opportunities in 2004. This group will ensure that every legislative proposal is screened for compatibility with the European Charter of Fundamental Rights and Freedoms.

Charter of Fundamental Rights

During the European Council in June 2003 it was decided to elevate the European Monitoring Centre on Racism and Xenophobia (EUMC) established in 1997 to a fundamental rights agency. The EU is currently in the process of deciding on the structure of the reformed agency. The decision taken by the Council requires the agency to monitor the Charter

of Fundamental Rights adopted in 2000. The agency is expected to be functional in 2007.

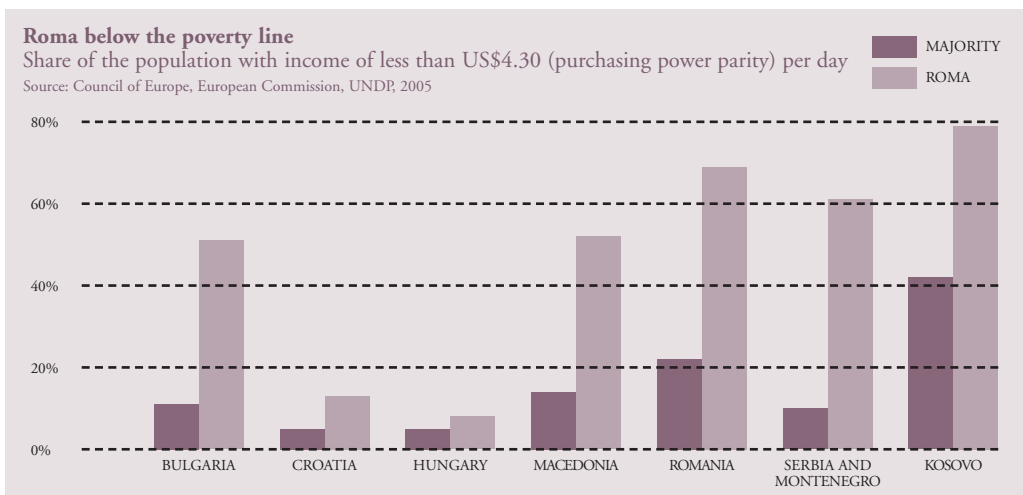
In the meantime, the Charter of Fundamental Rights has been monitored upon the request of the European Parliament by a group of experts. In 2002, the European Commission convened the EU Network of Independent Experts on Fundamental Rights whose mandate is to monitor the situation of fundamental rights in the member states and in the EU on the basis of the Charter of Fundamental Rights. The Network prepares reports on each member state, and on the basis of these prepares a Synthesis Report, which identifies the main areas of concern and makes recommendations. As early as its first working report for 2003, the Network had taken the opportunity to suggest a broader interpretation of Article 21 on non-discrimination and specifically indicated that the implementation of equal treatment in favour of persons belonging to national minorities may impose certain positive obligations on member states in order to promote full and effective equality in all areas of economic, social, political and cultural life.

The Network also prepares Thematic Comments and Opinions. Thematic Comment No. 3, issued in April 2005, addresses the protection of minorities in the EU. In this report the Network takes a holistic view of minority rights and argues for the EU institutions to interpret the rights of minorities not as rights of minorities per se, requiring a prior recognition of the minority, but rather as a list of guarantees given to individuals as members of certain groups, or to the groups themselves. Among

the eligible rights of the Charter cited by the Network are, in addition to Articles 21 and 22, the right to respect for private life (Article 7), freedom of religion (Article 10), freedom of expression (Article 11) and freedom of association (Article 12). Thus, on this notion the Network suggests that while most rights pertain to all people in the EU, the right to participation in public life may pertain only to individuals who have strong connections to the state or who hold citizenship.

The Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) was adopted in 1995, but the instrument has not yet been ratified by a number of the Council of Europe's members. In 2005 it was ratified by Latvia and the Netherlands. The FCNM is enforced through its monitoring mechanism under which states parties are required to submit a report with information on the status of their minorities and legislation in force. After these reports are made public they are examined by an Advisory Committee (AC), which by now as a matter of rule requires the input of NGOs. The AC's opinions on measures taken by the states serves as a basis for the Council of Europe's Committee of Ministers' recommendations.

During the first monitoring cycle, the AC received 36 state reports and adopted 34 opinions. Many deficiencies and limits were noted, such as the late reception of state reports, their lack of compliance with the guidelines (article-by-article report following the structure of the FCNM), the lack of NGO shadow/parallel reports, and the delay



in making reports and opinions public. The second monitoring cycle has seen the submission of 17 state reports to date, and the AC has adopted 10 opinions of which four have been made public so far. According to the outline for state reports, the second reports are to be closely linked to the first results of the monitoring. This means that more attention will be given to the manner in which the states have followed and implemented the recommendations of the Council of Ministers during the first monitoring cycle.

The Committee of Experts for the Protection of National Minorities (DH-MIN), established in 1992 and suspended in 1999, was reconvened in November 2004 with new terms of reference issued during the 902nd meeting of the Committee of Ministers. The DH-MIN is a working group of the Council of Europe's Steering Committee for Human Rights (CCDH), with the task of proposing specific legal standards relating to the protection of national minorities. The DH-MIN identifies and evaluates the ways and means protection might be strengthened. The DH-MIN held its first meeting as a re-established committee in May 2005 and decided to begin its work by examining the issue of advisory and consultative bodies on national minorities. A questionnaire sent to DH-MIN members will be discussed at the next meeting in October 2005.

Roma and Travellers

On the Roma and Travellers issue, the Council of Europe took a major step in 2004 when, after four years of consultations and negotiations, the European Roma and Travellers Forum (ERTF) was registered in September as an NGO. The ERTF is part of a Partnership Agreement with the Council of Europe, enabling close and privileged relations between the ERTF and Council of Europe institutions. The Forum's overall goal is to give the Roma and Travellers the possibility to participate in and influence decision-making processes in issues concerning them. The aim of the Forum is to oversee the effective exercise by Roma and Travellers of all human rights and fundamental freedoms as protected by the legal instruments of the Council of Europe as well as by other relevant international legal instruments. It will promote the fight against racism and discrimination, and facilitate the integration of these population groups into

European societies and their participation in public life. The Forum may propose implementation of initiatives primarily with regard to housing, health, education and employment as well as measures to combat any discrimination that Roma and Travellers may meet in relation to the freedom of movement. It must encourage dialogue between the Roma and Traveller communities and governments and exchange of good practices. The Council of Europe's Committee of Ministers kept up the momentum on Roma and Travellers by adopting Recommendation (2004)¹⁴ on the Movement and Encampment of Travellers in Europe in December 2004, and Recommendation (2005)⁴ on Improving Housing Conditions for Roma and Travellers in Europe in 2005.

Two Roma women from Hungary were elected to the European Parliament in June 2004.

Ombudspersons

Only a few European states have established specialized Ombudspersons for the protection of minorities, such as Finland and Hungary. Other European countries have some form of protection for minorities, such as Sweden with the Ombudsperson against Ethnic Discrimination, Germany's Commissioner for Matters Related to Repatriates and National Minorities at the federal level and, in the state of Schleswig-Holstein, a Commissioner of the Minister President for Minority Affairs. In April 2005, the Bulgarian Parliament elected Mr Ginyo Ganey as its first national ombudsperson for a five-year term. The law on a Bulgarian Ombudsperson entered into force in January 2004.

Legal developments

At the international level, arguably the most important development has been the entering into force of Protocol 12 to the ECHR on 1 April 2005. The Protocol provides for a general prohibition of discrimination. The current non-discrimination provision of the ECHR (Article 14) is limited to the application of the provision only in conjunction with one or more rights guaranteed by the ECHR. Protocol 12 removes this limitation and guarantees that no one shall be discriminated against on any ground by any public authority. The list of non-discrimination grounds of Article 14 is reproduced in Protocol 12, extending the prohibition to cover

discrimination in any legal right in national law, even when that legal right is not protected under the ECHR. Protocol 12 is thus a free-standing provision to protect individuals from discrimination.

However, there are some regrettable omissions in Protocol 12. First, the absence of a general equality provision is curious, as is the absence of sexual orientation as a forbidden ground for difference of treatment. Moreover, a direct reference to the principle of equality between the sexes is missing in the Protocol. In comparison with the extensive non-discrimination measures now enforced by the EU, the wording of Protocol 12 therefore appears outdated because of the lack of reference to equal treatment or the respect for diversity. The application of Protocol 12 is of course in its early days. Only 11 of 46 European states signatories to the ECHR ratified the Protocol, and only three EU member states have ratified the Protocol.

The conditionality politics of the EU has mixed effects on the countries currently in accession to the EU. While the Race Equality Directive is a required conditionality, other options to seek compliance with the Copenhagen Criteria and the overall international minority rights scheme may vary, depending on the domestic situation. In Romania, the Constitution adopted in 1991 after the fall of communism included a provision demanding the adoption of a law on national minorities. During the 1990s, various groups and governments prepared eight different drafts, none of which were approved by parliament. Given that Romania is one of the European countries that is home to the greatest number of national minority groups, the previous government saw it as opportune to ensure that a law on national minorities be passed before finalizing the negotiations with the EU. It fell to the next government, however, to see this through.

In the first half of 2005 a ninth law on the status of national minorities was drafted and presented to the Romanian government. This draft has been successful in the Romanian Senate and whether or not it will be signed into law is dependent upon one final hurdle – the Chamber of Deputies – which is due to make a ruling on the draft in autumn 2005. The law itself consolidates and improves many rights already held by Romanian national minorities. Such areas as preservation, expression and promotion of national identity (which covers education, culture, mass media,

religious freedom and the use of one's first language) are dealt with in this law. However, it also breaks new ground in several important areas. First, cultural autonomy will be introduced to Romania through the (pending) success of this draft law. Article 57(1) defines cultural autonomy as being 'the right of a national community to have decisional powers in matters regarding national, cultural, linguistic and religious identity, through councils appointed by its members'. Thus, Romania's national minorities will be able to establish bodies, or councils, of cultural autonomy, and will be given a number of powers to govern issues affecting them (such as education, religion and political representation). These elected bodies will receive funds from the Romanian government, and in addition will be able to raise further revenue through their own tax system. Second, the law provides a definition of a national minority that has been criticized by some as being too restrictive in that a minority group must have lived on the territory of Romania from the creation of the modern state, thus preventing new minority groups from claiming the same rights and benefits. In addition, the law has been seen as highly ambiguous. Finally, Article 74 of the law limits the benefits to a certain list of national minorities, which for instance does not include the French living in Banat, or linguistic minorities such as the Csangos or the Aromanians.

In December 2004, Hungary held a referendum on whether to grant dual citizenship to ethnic Hungarians living outside their homeland, thus illustrating the persistence of minority issues remaining cause for tension in Europe. The referendum was initiated by an NGO, the World Federation of Hungarians, with the goal of protecting the Hungarian diaspora. However, the dual-citizenship proposal failed to reach the minimum percentage of registered voters at the polls.

European Court of Human Rights

On 26 February 2004, the Court announced its judgment in the case of *Nachova and Others v. Bulgaria*. The applicants were Bulgarian nationals of Roma origin, alleging that their relatives, shot by the military police, were deprived of their lives in violation of Article 2 of the Convention, that the investigation into the events was ineffective and thus in breach of that provision and of Article 13 of the

Convention, and that the state of Bulgaria had failed in its obligation to protect life by law. They also alleged that the events complained of were the result of discriminatory attitudes towards persons of Roma origin and entailed a violation of Article 14 of the Convention. The Court found that the Bulgarian authorities had failed in their duty under Article 14, read in conjunction with Article 2, to take all possible steps to establish whether or not discriminatory attitudes might have played a role in events. More importantly, for the first time in its history, the Court also found a violation of the guarantee against racial discrimination contained in Article 14 taken together with Article 2.

The Court followed two arguments for this finding. First, the Court found that the authorities had failed in their duty to establish whether discriminatory attitudes may have played a role in the murder of the two men of Roma origin. Second, the Court considered that the Bulgarian authorities' failure to discharge that duty had an impact on its examination of the complaint under Article 14. The Court usually applies the standard of 'proof beyond reasonable doubt'. However, the Court recognized that in cases of alleged discriminatory acts of violence, and where the authorities have not pursued an effective investigation into such acts, it may, when examining complaints under Article 14 of the Convention, draw negative inferences or shift the burden of proof to the respondent government.

In other cases dealing with national, ethnic or religion minorities, such as *Horzelik and Others v. Poland*, *Balogh v. Hungary*, *Ilascu and Others v. Moldova and Russia*, *PY v. France*, the Court found no violation of the discrimination provision contained in Article 14. Currently before the Grand Chamber is the case *Blecic v. Croatia* which considers lost tenancy rights.

Political developments

The political attention to non-immigrant ethnic minorities in the enlarged European Union improved somewhat in 2004 with the signing of the Treaty Establishing a Constitution for Europe only to lose momentum in 2005 with the stalling of the ratification process. Moreover, minorities in other parts of Europe and in the Former Soviet Union have experienced increasingly intractable conflicts and little improvement towards durable

solutions. Across the board, the socio-economic exclusion of immigrants and Roma/Sinti continues to exacerbate the overall situation. This is not to argue that governments and international actors are not addressing the issues. In addition to the EU Constitution signed in October 2004 including the respect for the rights of persons belonging to minorities among the core EU values, the World Bank initiated the Decade of Roma Inclusion in February 2005, and more governments have implemented the EU's Race and Equal Employment Directives devised to combat discrimination on the basis of race or ethnic origin. However, the stalled ratification process of the EU Constitution withholds the implementation of higher minority standards in the EU, and racism and xenophobia against immigrants is on the rise in many European countries. In Kosovo and certain parts of the FSU, ethnic exclusionism continues to dominate local politics.

EU enlargement

When the EU admitted 10 new member states on 1 May 2004, the list of ethnic minorities living in the EU grew considerably. In sheer numbers, the figure increased from around 50 million to 80–100 million, not including immigrants. Most of these new member states have adopted higher legal standards on minority rights than the 15 member states, and all 10 new member states have transposed the EU's Race Directive into domestic law, thus raising the normative barometer in the EU in general. This leaves the 'old' EU member states vulnerable to reproaches based on the 'double standards' argument inasmuch as the normative standards are lower in some of the original member states than in the newly admitted ones. The record of adherence to international standards remains bleak in those founding member states which have yet to ratify both the Council of Europe's 1992 European Charter on Regional and Minority Languages and the 1995 Framework Convention for the Protection of National Minorities.

However, a few member states managed to enter without full compliance, such as Latvia not having ratified the FCNM, and the three Baltic states plus the Czech Republic and Poland not having ratified the Charter on Regional and Minority Languages. Moreover, Latvia and Cyprus as well as Slovenia entered with considerable portions of their ethnic

minorities not yet afforded legal citizenship. Especially in Latvia and Cyprus, the political will to resolve the issues pertaining to ethnic minorities has been weak, although Latvia, under pressure from the OSCE's High Commissioner on National Minorities (HCNM), ratified the FCNM in June 2005. The situation of the communities in Northern Cyprus, while not usually addressed as a minority issue, remains unresolved after the failure of one of the simultaneous referenda brokered by the UN to reunite the island before admission to the EU. The northern part of the island is occupied by Turkish troops and therefore not under the control of the government of the Republic of Cyprus.

Arguably the most important political development in regard to the EU and minorities was the signing of the Treaty Establishing a Constitution for Europe in October 2004. In addition to the Constitution's Article I-2, which for the first time in EU treaty law makes a reference to the respect for the rights of the persons belonging to minorities, the European Charter of Fundamental Rights and Freedoms, adopted at Nice in 2000, is incorporated as Part II. This is not only important because the Charter thus becomes legally binding on the member states, but also because the Charter's Article II-81 on the prohibition of discrimination against national minorities, and Article II-82 on religious, cultural and linguistic diversity, thus would attain greater value. Of course, because of the rather restrictive nature of the provisions on minorities in the Constitution in that they do not convey any minority rights per se, the impact would be modest if the Constitution were to become law. The EU's approach to minority rights therefore remains rather minimalist, focusing mainly on non-discrimination cast in negative terms.

EU accession

The current accession states, Bulgaria and Romania, as well as the candidate states, Croatia and Turkey, are still subject to the conditionality rules set out in the Copenhagen Criteria. Arguably the most urgent problem to be addressed in these countries is Roma/Sinti exclusion and poverty, but Croatia also has the problem of returning refugees, which is a focus of international attention. Turkey, in contrast, is experiencing a major national identity problem with recognizing minorities.

Conflict and disputed territories in the Caucasus

Virtually all of the conflicts in the Caucasus are due to strained or non-existent minority–majority relations. Many ethnic minorities take issue with the label 'minority'. However, lessons learned over the past 10–15 years have allowed the negotiation processes in South Ossetia, Abkhazia and Nagorno-Karabakh to move beyond aspects of the status of ethnic minorities to address economic imbalances, power-sharing and issues of displaced persons and refugees. The exception remains Chechnya, where persistent massive human rights violations accompany a lack of will by the Russian authorities to negotiate for a settlement. The rebels have in 2005 announced their intent to spread their war throughout neighbouring republics. Recent rebel incursions into Dagestan are strong evidence that rebel leaders are not bluffing.

Following the 'Rose Revolution', Georgia's President Mikheil Saakashvili stated in his inaugural address in February 2004 that one of his main policy aims was to reunite the country and 'win back' Georgia's lost territories. Georgia resides within a region that has been prone to chronic instability. Conflict broke out in three regions of the South Caucasus during the period of the collapse of the Soviet Union. Two of those conflicts occurred on the territory of Georgia, in Abkhazia and South Ossetia, and remain unresolved to this day. As the South Caucasus takes on increasing importance in relation to oil supply and the threat of terrorism, the opportunities that may derive from the Rose Revolution, especially the issues of majority–minority relations and minority rights take on greater relevance.

Up until the Rose Revolution, it was considered inappropriate to discuss the territorial arrangement of the state, until the status of Abkhazia and South Ossetia was decided. This has created uncertainty. Nevertheless, there is what might be described as pseudo-federalism with respect to the autonomous region of Adjara. This region had been ruled by Aslan Abashidze from 1991 until his forced resignation in May 2004. Mr Abashidze had ruled Adjara, more or less as a personal fiefdom since 1991. Under the Shevardnadze administration he had drifted from being a supporter of the president towards being the leader of the opposition and back again. In 2002, the status of Adjara was recognized through a constitutional amendment. Following Mr

Abashidze's ouster, parliament reconfirmed the autonomous status of the region. Under the new arrangement, there is a supreme council of Adjara and a government for the region. However, as the president of Georgia retains an effective veto over the appointment of the government there, the degree to which genuine decentralization, let alone federalism, exists is debatable.

For a decade, negotiations seeking solutions to the conflicts in the enclaves of Abkhazia and South Ossetia have yielded no concrete results. Instead, at least in the short term, the Adjara scenario has led to increased tensions in relations with Russia, which had been improving immediately following the Rose Revolution. Russia continues to support the regimes in South Ossetia and Abkhazia and argues that Mr Saakashvili's policies are leading to destabilization in the South Caucasus. The Georgian government has called for an internationalization of the conflict and in particular is seeking the support of the OSCE in seeking a durable solution. However, while the president has promised that the area of South Ossetia would be marked by in his words 'greater autonomy than North Ossetia in the Russian Federation' there is little in the way of concrete proposals to clarify precisely what this means.

Further details on the minority rights situation in the Caucasus are given under the relevant country entries below.

Albania

Albania has made efforts in the protection of national minorities, including in the field of education and the

provision of schools and classes for the Greek and Macedonian national minorities. However, the sizable minority of Egyptians has not received the same attention, and recognition remains a problem. There are plans to implement a national strategy for Roma, which is greatly needed as the Roma community is faced with immense problems in terms of discrimination and prejudice in a number of societal settings. The socio-economic gap between Roma and the rest of the population is considerable.

Armenia

Armenia began its attempts to improve the situation of minorities after 1998 when Robert Kocharyan became president. Before, many members of minorities had been leaving the country mainly due to its poor economic performance. This, together with international pressure to become party to international treaties, provided a growing sense of moral justification for granting minorities protection and cultural development. Nevertheless, the Kocharyan administration was slow to adopt improvements and the development of legislative mechanisms for the protection of the rights of national minorities was rudimentary up to 2004. The Constitution affords certain language and cultural rights to minorities, and the 2004 Law on Administrative Governance allows representatives of minorities, elected to local self-government, the right to present official letters in their first language accompanied by translation in Armenian. The Law on Radio and TV Broadcasting gives minorities the right to transmit information in minority languages

Right: Bosniak (Muslim) woman with pictures of her husband and son, killed in the Srebrenica massacre. Andrew Testa/Panos Pictures



and forbids any propaganda against minorities. Since the end of 2003, efforts have also been under way to draft a law on national minorities.

The Yezidi minority of Armenia suffers discrimination at the hands of the police and local authorities. The Yezidis speak a Kurdish dialect and practise a religion derived from Zoroastrianism, Islam and animism. They have been subject to unfair adjudication of land, water and grazing rights, bullying of their conscripts in the army as well as children in schools, and poor police response to serious crimes committed against their members. Members of the Yezidi community have tried to address their grievances with the presidential adviser on national minorities, but no government responses have been forthcoming.

Azerbaijan

The government of Azerbaijan has not attempted to elaborate a clear ethnic policy and appears to avoid solving problematic issues by postponing them while the socio-economic situation in the country continues to decline. In pursuit of the goal of promoting the state language, a Law on the State Language was adopted in 2002, which contains certain regrettable reductions in the legal guarantees for the protection of national minorities. These put at risk certain practices in the field of electronic media. Although the Constitution provides for the right to maintain minority culture and language, authorities have restricted minorities' effort to teach or print materials in their native languages. Farsi-speaking Tallysh in the south of the country, Caucasian Lezghins in the north, displaced Meskhetian Turks from Central Asia, and displaced Kurds from the Armenian-occupied Lachin region have all experienced discrimination, restrictions on the ability to teach in their first languages, and harassment by local authorities. Anti-discrimination does not appear a government priority. Armenians and persons of mixed Armenian-Azerbaijani descent have been denied work, medical care and education and were unable to register their residences due to their ethnicity. Discrimination and harassment at work seems the norm, and in some cases local authorities have refused to pay pensions to members of the Armenian minority. Similarly, in the area occupied by ethnic Armenian forces, authorities have effectively banned ethnic Azerbaijanis from all spheres of civil, political and economic life.

Belarus

The government of Belarus as well as general society engage in significant discrimination against Roma, who number almost 70,000. An unemployment rate of 93 per cent and low levels of education characterize the Roma community. Due to negative stereotypes Roma are not hired by other citizens. The police harass Romani women selling produce or telling fortunes in the marketplace, and state media and government officials portray Roma negatively. The Ministry of Internal Affairs' Department of Drug Trafficking has asserted that at least 50 per cent of all Roma are drug dealers. Roma children speak primarily Romani and Belarusian, which poses enormous problems in the Belarusian school system where the language of instruction is Russian. Parents often withhold their children from kindergarten in an effort to avoid assimilation. As a result, Romani children are linguistically behind in the all-Russian classrooms, and teachers and fellow students often assume they are lazy or mentally incompetent. While Roma are able to receive higher education in the few private educational institutions, they are often denied access to higher education in state-run universities. The Roma Lawyer's Group has petitioned the government to permit the establishment of a public Roma school in Minsk, where there are schools for Jews, Lithuanians and Poles.

Bosnia and Herzegovina

If the authorities in Bosnia and Herzegovina are paying greater attention to the issues pertaining to national minorities, the record in each of the constituent federal entities is not improving. Isolated instances of political, ethnic or religious violence continue, as does discrimination against ethnic minorities. The political leadership at all levels continues to obstruct minority returns in certain localities, and the number of returns has decreased. Although the reconciliation process continues, there remains a lack of trust among ethnic groups, and especially hostility related to the return of refugees and displaced persons. Discrimination in employment and education remains a key obstacle to sustainable returns. Members of the ethnic majority are usually hired over minorities, and favouritism is shown to veterans and families of those killed during the war.

The government of Republic Srpska has

supported the return of Bosniaks and Croats, and Bosniak returns to the Srebrenica area has increased. However, the Srpska government also supports integration of displaced Bosnian Serbs within the Republic, using the war veterans' budget and, at the municipal level, land allocations.

In 2002, a Law on the Protection of Rights of Persons Belonging to National Minorities was adopted and amendments to the Election Law were made. Unfortunately, the Election Law remains highly discriminatory as segments of the population are barred from running for some of the top offices. A Council of National Minorities and corresponding bodies at the level of the federal entities have been proposed but have not been set up, despite concrete legal obligations. While access to political posts remains governed by rigid rules at the federal state level, some progress has been made within the federal entities to widen access to certain authorities.

Students in minority areas frequently face a hostile environment in schools that do not provide an ethnically neutral setting. Obstruction by nationalist politicians and government officials has slowed international efforts to remove discriminatory material from textbooks, abolish school segregation and enact other needed reforms. The Inter-Entity Textbook Review Commission, reviewing textbooks from the so-called national group of subjects that were in use in all primary and secondary schools in the country in order to remove any discriminatory or objectionable material, has found that there are textbooks in use not subject to the review process containing material that is inappropriate. Even though an action plan on Roma educational needs has been elaborated, Roma continue to lack access to education. Even though Roma children are permitted to attend schools in all areas of the country, their attendance is low as a result of pressures from within their own community and from local non-Roma communities discouraging Roma children from attending school.

Bulgaria

The Bulgarian government signed a Framework Programme for Equal Integration of Roma with representatives of the Roma community in 1999. The Programme was the result of years of hard work by the Roma community and experts prompted by the procrastination of the Bulgarian government on

the issue. Implementation of the Programme did not progress well in the years following its adoption and compliance by the government to the Programme remains low. Discrimination against Roma is a major problem in Bulgaria, including discrimination at the hands of government agents.

Croatia

Although Croatia passed a Constitutional Law on National Minorities in 2001, it has been slow to put the political will behind implementation of certain components. In particular, the establishment of minority councils at the local level has proven slow. Nevertheless, there have been important changes in both legislation and practice, and the dialogue between the authorities and representatives of national minorities has improved. The work with reintegrating Serbian returnees is progressing, albeit at a less than satisfactory level to the extent that it appears as if the Croatian government is using the technique of stalling as a way of losing its Serbian minority. In 2003, the government adopted a National Programme for the Roma, which set out policies to help the Roma to integrate into all levels of society in a systematic manner. The Programme has been extensively criticized for its lack of concrete input from the Roma community and contradictory aims in terms of gender and child integration. As the Programme is also very poorly funded, it remains questionable whether it was conceived as a genuine attempt to integrate Roma.

Cyprus

In April 2004, Greek and Turkish Cypriots took part in separate simultaneous referenda on whether Cyprus would join the EU on 1 May 2004 as a reunited island based on a power-sharing agreement brokered by UN Secretary-General Kofi Annan. While 64.91 per cent of Turkish Cypriots accepted the Annan Plan, an overwhelming majority of 75.83 per cent of Greek Cypriots rejected the UN blueprint. The extent of the Greek Cypriot no vote seemingly brought an end to a large-scale effort to find a solution to one of the oldest items on the peacemaking agenda. In the aftermath of the referenda, the Commission decided to unleash an economic development package for the North. In addition to supporting improvements in infrastructure, the economic aid was destined to help the farming community of the North and to

facilitate export of goods to the South and outside the island. The dispensing of funds has yet to begin as the Greek Cypriot government has stalled this effort. The process was expected to get back on track after the European Council in December 2004 gave Turkey the date of 3 October 2005 to begin talks on accession on the condition that a number of signposts were reached. One of these was the signing of the 1962 European Customs Union with the new member states, including Cyprus. Turkey signed the document in 2005 while stating that this would not constitute recognition of the Republic of Cyprus.

Denmark

In June 2005, the Danish parliament passed a new law on decentralization, the Law on Regions. The law, which will come into effect in 2007, abolishes a number of administrative districts and establishes five large administrative regions. The aim of the law is, among others, to improve the implementation of subsidiarity in Denmark. The new law was preceded by heated political debates, not least the argument that subsidiarity would seem to be more effective in smaller regions rather than the five large regions proposed. The new region of Southern Denmark, which is home to the German minority in Denmark, has caused particular concern among the German minority as it will decrease the number of posts available to the minority. Elections will take place in November 2005.

Georgia

Although the onset of 'coloured' revolutions in the FSU has not as yet had any direct influence on the situations of minorities in the region, the changes in political attitudes coupled with continued pressure from international organizations and the EU are beginning to bear fruit. In November 2003 Georgia became the first country among the Commonwealth of Independent States (CIS) where entrenched and powerful vested interests were dislodged from government by opposition parties supported by massive popular protests. The unified stance of the three main opposition leaders in the wake of deeply flawed parliamentary elections, shored up by massive public support, sparked the resignation of the then president, Eduard Shevardnadze, in what became known as Georgia's 'Rose Revolution'. Subsequently, in February and March 2004,

elections were held for the presidency and repeat elections for parliament that cemented the victory of reformists backed by substantial popular support, and an emerging programme for change. Georgia is expected to ratify the FCNM in October 2005.

The issue of minority rights ties in closely with and runs alongside the distinctive regional make-up of the country. Since independence, the development that has taken place in the country has tended to focus upon the capital Tbilisi and in other cities across the country. In contrast, rural areas have been left to subside into extreme poverty. A key component of how effectively Georgia develops is how minorities and regions of the country become integrated into the central whole. There are critical matters of importance with respect to areas of the country where densely concentrated minorities reside, namely Javakheti and Kvemo Kartli. These two regions have remained isolated from Georgia proper since independence, prompting fears that, unless sensitive integration policies are pursued, the latent threat of conflict will remain. More broadly, the Georgian government has yet to devise policy regarding minority rights and issues, even though around one-fifth of the country in population terms is made up of ethnic minorities.

In addition, the Georgian government is under pressure from the international community to allow repatriation of the Meskhetian Turks. The Stalin regime deported the entire Meskhetian Turkish population from south-west Georgia (Samtskhe-Javakheti) to Central Asia, particularly to Uzbekistan, in November 1944. Unlike other deported people, who were rehabilitated in the 1950s and 1960s, the Meskhetian Turks have neither been rehabilitated nor allowed to return to their land of origin, and their property has never been returned to them nor have they received compensation. Georgian authorities were reluctant to facilitate repatriation of Meskhetian Turks after independence, and the denial of citizenship and residence/working permits and the demand that they adopt a Georgian identity has dispirited many potential returnees. Lack of Georgian language skills has caused problems for integration among the repatriated community. Popular attitudes in Georgia, in particular among the Armenian populated region of Samtskhe-Javakheti, are unfavourably disposed towards repatriation. International organizations have faced severe

obstacles in defining the directions of assistance for the Meskhetian Turks. The political problems in facilitating lasting solutions are immense, both with regard to the legal protection of Meskhetian Turks and with regard to resettlement in Georgia. Nevertheless, in 2005 the Georgian government has made steps towards beginning a sustained process to address the issue, and it looks as if that process will continue, including gathering data on the social, economic and legal needs of potential returnees, in 2006 and beyond.

Germany

Germany officially recognizes four national minorities, the Danish, the Frisian, the Sorbs and the Roma/Sinti minorities. For years the minorities have been requesting support for a liaison office to the federal government and parliament. In 2005 the German government committed itself to establishing a liaison office. Education policy is in Germany delegated to the federal units, the Länder, which to a varying degree support minority schools from the public funds. In 2005, the Sachsen local government decided that the Sorbian schools in the state would no longer be eligible for exemption from the requirement of a minimum 20 pupils per class. The Sorbians in Sachsen, a Slav-speaking minority, have a constitutional right to minority schools but many schools operate with small classes. The planned closure of certain schools caused a heated political debate in Germany, and at the international level, both the Council of Europe and the Russian Duma have criticized the Sachsen government's plans. The minimum of 20 pupils is considered too high compared to other parts of Europe that comply with international standards for minority schools.

The impact of the political discourse for and against Turkey's accession to the EU has not made life easier for the Turkish immigrant community in Germany, which includes a large Kurdish minority. The rhetoric against Turkey's potential membership has more often than not been based on xenophobic attitudes against this large group of the German population, which has yet to be truly invited into mainstream society in Germany.

Greece

Greece is the only EU member state to ban proselytism in its Constitution, and the only EU

member to have been condemned by the European Court of Human Rights for a lack of religious freedom. Although Greece has made progress in the protection of religious freedom, the run-up to the 2004 Athens Olympic Games found Greece displaying this Achilles' heel in its human rights record. Religious freedom in Greece today still depends on factors such as the opinion of the predominant religion. Specifically, the conflict between Church and state revolves around the recording of a person's religion on their identity card. Because of the Orthodox identification of the state with the Church, this practice was followed by the authorities until 2001, following a court ruling, when the government began to issue new identity cards that do not note religious affiliation. This decision caused a crisis in the relations between the state and the Orthodox Church, which strongly criticized the new practice. The Council of State, the highest administrative court, subsequently decided that including religious beliefs on identity cards violates religious freedom.

Attention to the violation of the rights of Roma minorities in Greece intensified in 2005, after reports of systematic violations of the right to adequate housing, and racist and discriminatory treatment of Roma in several towns in Greece. NGOs, human rights monitoring bodies and civil society activists have denounced forced evictions and demolitions of Roma homes since 2001, as well as cases of racist speech in public statements about the Roma. However, it would appear that complaints brought to the courts and to the Ombudsperson over such cases have not been adequately investigated, even though an increase in anti-Roma campaigns by local residents' associations has been documented.

Ireland

Ireland has made efforts to improve the situations of the Traveller communities, but much remains to be done, in particular in areas covering accommodation, education, employment, health care, and access to certain goods and services.

Latvia

The lack of a comprehensive legal framework and other policy measures for the protection and promotion of minority rights remains a concern in Latvia. This may of course be alleviated by the fact

that Latvia has now ratified the FCNM. Latvia initiated in 2001 a comprehensive Integration Programme that did not address minority issues per se but was nevertheless adopted as the result of a public debate on ethnic integration. The Programme focuses on civic participation and political integration; social and regional integration; education, language and culture as well as information; and states that the protection of minorities is one of its objectives. But the fact that several minority rights claimed by civil society and minorities (such as greater access to education in the first language, participation in mass media, greater promotion of a dialogue between minorities and the state, public participation of minorities, and the promotion of minority languages) are not addressed or are insufficiently addressed in the Integration Programme has rendered it ineffective. It has also been noted that protracted delays and low levels of financial support from the state have hindered the rapid adoption and implementation of the Integration Programme.

Naturalization applications have increased significantly since Latvia's accession to the EU, and the government has actively promoted the process by reducing financial and lingual requirements. Nearly one-fifth of Latvia's residents are non-citizens. Latvia's citizenship laws have been criticized for disenfranchising those who immigrated to Latvia during the Soviet period and who must now apply for citizenship, the majority of whom are ethnic Russians. Non-citizens are barred from participating in state and local elections and from holding certain civil service jobs. They are also not allowed to hold some private sector jobs. Political, social and economic discrimination of the Russian-speaking community continues and in December 2003, the European Court of Human Rights charged the Latvian government with restricting the rights of an ethnic Russian family and ordered the state to pay compensation.

Under the Education Law, the Latvian government continues to implement a bilingual education programme at the elementary school level, with the goal of providing more than half of the course content in Russian-language secondary schools in Latvian. However, although all non-Latvian-speaking students in public schools are supposed to learn Latvian and to study a minimum number of subjects in Latvian, there is a shortage of

qualified teachers. State-funded university education is in Latvian, and incoming students whose native language is not Latvian must pass a language entrance examination.

Macedonia

Political life in Macedonia is dominated by ethnic Macedonians and Albanians, resulting in adverse effects on other minority groups, particularly in the arenas of education, language, political representation and economic well-being. Since the end of the conflict between Macedonians and Albanians in 2001, a number of political and legal overtures have been made, especially as a result of the Ohrid Agreement. However, the Agreement has also been a cause for friction between minority groups, particularly in 2004 when plans to implement the decentralization process, in particular the redistricting phase, were made public. Redistricting will drastically affect the ethnic composition of each of the districts, turning minorities into majorities and vice versa. As the Ohrid Agreement was a tool to end the violence in 2001 between the two major ethnic groups, the decentralization process neglects the needs of other minorities. Tensions arise due to the wish of minority groups to use the decentralization process to achieve threshold 'status' in order to realize their rights, in contrast to the ethnic Macedonian population, who will thus relinquish some power to national minorities.

The Macedonian government has committed itself to correcting the imbalances in ethnic representation in public institutions in the Ohrid Agreement and, while advances have been made in this area, particularly among the Albanian population, the percentage of minorities employed in public institutions is significantly lower than their portion of the population. In 2004, data suggests that there were no Albanians employed in the public administration of Kumanovo, and Roma participation in the institutional life remains virtually non-existent. There are only three representatives of the Roma community employed in state institutions, none of which directly create or influence state policy on issues of relevance to Roma. This exacerbates the problem of Roma integration.

However, other aspects in the implementation of the Ohrid Agreement have contributed positively to

the situation of national minority groups in Macedonia. Since 2001, there has been an 80 per cent increase in the employment of minorities; Albanians have obtained a level of representation in the parliament close to their actual share of the population; and a constitutional amendment was adopted that requires a 'double majority' for laws related to ethnic minorities.

A major problem affecting minority groups is the difficulty in obtaining Macedonian citizenship since one of the conditions for citizenship is to have a permanent source of income. This indirectly inhibits minorities, as they form a significant portion of the unemployed population, particularly Roma and Turks. The Ministry of Internal Affairs is often discriminatory towards Muslim (Albanians, Turks, Bosniaks) minorities, who often find that they are denied citizenship on the grounds that they are 'unsuitable for citizenship due to security reasons'. Lack of citizenship means that they are not represented in parliament, cannot run for political office and cannot access the same rights as other members of minority communities in Macedonia.

The political process continues to negatively influence the education of all ethnic groups in Macedonia. The education system has long been one of the major factors in the de facto segregation between ethnic Albanians and ethnic Macedonians. The insistence of both communities that their children be taught in their first language, resistance to learning each other's language and the persistence of the mono-cultural nature of education has been documented over 2001–4. This has an impact on the quality of education provided to all communities, and also facilitates growing intolerance among students and their families. The state has been slow to undertake the necessary effort to improve the infrastructure in the schools, including equipment, supplies and transportation of students. Worst affected are the rural areas and, by extension, the minority communities. For example, Albanian students are regularly placed in classes already over the capacity limit for both the student–teacher ratio and in terms of space. They also suffer from lack of heating and water, and an inability to be introduced to basic educational requirements such as laboratory work. Other ethnic communities are unable to provide quality education to students because of their isolation; as a result, many members of ethnic minorities do not

continue their education past primary school. Among the worst cases is that of Turkish children who must travel great distances to attend school after the fourth grade, as after the fourth grade instruction in Turkish is available only in very few schools throughout the country. Many children do not continue their education after the fourth grade, as they cannot afford to travel the great distances, nor purchase the schoolbooks and materials required to continue their education.

Roma children are often treated as people of low intelligence, which adversely affects their self-esteem, motivation and eventually their ability to continue their education. Their work is marked lower than the equivalent work of non-Roma students, although this is difficult to prove in the absence of explicit grading criteria. This collective punishment is compounded by a lack of measures to prevent discrimination by non-Roma children. Often Roma children do not complete primary school, which has consequences for their integration into society. The lack of employment because of insufficient education in turn means that they are also denied health and social care, as well as the wherewithal to overcome these barriers, and other day-to-day problems.

Moldova

The situation of ethnic minorities in Moldova continues to be linked to the seemingly intractable independence struggle between the Moldovan government and the leadership of the breakaway region of Transnistria where up to 40 per cent of the population is ethnic Moldovan. Negotiations were stalled in 2003 because of a Russian proposal to federalize Moldova and give Transnistria wide self-government powers. In 2004, the Moldovan government attempted in vain to continue negotiations on a weaker federal model proposed by the OSCE. The Transnistrian leadership, however, remained committed to the Russian proposal. In 2005 the new Ukrainian president, Viktor Yushchenko, proposed a conflict settlement which appears to be more palatable to both sides.

Although it has been debated whether the conflict in Moldova is ethnic or political in nature, the closing in 2004 by the Transnistrian authorities of several Moldovan schools on the pretence that they were not properly registered indicates that is most probably a mixture of both. The closing of the

schools, which were teaching in the Moldovan language, was deplored by the HCNM, who likened the action to 'linguistic cleansing'. In June 2005 the authorities retracted and allowed the schools to be permanently registered. As to the situation of the Roma, there seems to be little action on the part of the Moldovan government, a point lamented by the Advisory Committee to the FCNM.

Poland

Poland has made efforts to support national minorities and their cultures, including through certain sectoral legislative provisions in such fields as the educational and electoral systems, and through the August 2003 adoption of the Programme for the Roma Community. Efforts have also been made to solve the issues linked to monuments and cemeteries affecting many national minorities, including Germans, Jews, Karaites, Lemks and Ukrainians. National minorities, including the Armenians, Belarusians, Russians, Slovaks and Ukrainians, have made demands for the establishment and support for cultural centres, museums and libraries.

Romania

In Romania, Roma representatives have been working with the various governments to devise an institutional framework for improving the conditions of Roma/Sinti groups. In the first half of 2005, the government, which was formed in December 2004, made a strong political showing by seeking to shepherd through a law on national minorities. The Hungarian minority party, the Democratic Alliance of Hungarians in Romania, won 6.17 per cent of the votes for the Chamber of Deputies and 6.23 per cent of votes for the Senate in the 2004 election. Subsequently, it became a member of the governing coalition and a strong proponent of the new law on national minorities. While there was a strong tendency by the previous government to 'neutralize' the Hungarian political movement, the current coalition appears more balanced and willing to work with the Hungarian party.

Russian Federation

The Russian federal government follows a politics that seeks to guarantee equality rather than granting concessions to ethnic minorities. While ethnic minorities still retain some positions of power in local governments, President Vladimir Putin has

opposed special privileges for ethnic minorities and ethnic regions as part of his larger efforts to funnel power into a vertical, federal structure with federal districts governed by presidential representatives. Tax systems have been restructured, and restrictions have been put on governors to inhibit regional autonomy in favour of greater federal control.

Even though the Russian Constitution prohibits discrimination based on nationality, Roma minorities, as well as minorities from the Caucasus and Central Asia, face widespread governmental and societal discrimination. Racially motivated violence has also increased, and Muslims and Jews continue to encounter prejudice and societal discrimination. Legislation prohibiting racist propaganda and racially motivated violence is only invoked infrequently. Discrimination against ethnic minorities has been most acute after terror attacks in Russian cities. Following the February 2004 subway bombing in Moscow, the media were filled with popular demands to forbid any Caucasians from entering Moscow, while Moscow's Mayor Luzhkov promised to clamp down on illegal migrants in Moscow, and President Putin announced that Chechen separatists were to blame for the attacks.

The Russian authorities have also been accused of targeting visible minorities for racial profiling, resulting in unnecessary registration and passport checks, searches and even arbitrary arrests. Few discrimination cases are prosecuted in Russia because there is no comprehensive network of anti-discrimination laws, and lawyers and judges are not trained in litigating human rights issues within Russia. As a result, in most cases of ethnic discrimination, individuals are unable to obtain justice in Russia and their only recourse is then to the European Court of Human Rights.

In May 2005, the European Parliament adopted a resolution criticizing Russia for violating the rights of the Marii, a Finno-Ugric nation living mostly in the Marii-El Republic some 800 km east of Moscow. Citing the difficulty the Marii people face in being educated in their first language, political interference by the local administration in Marii cultural institutions and the limited representation of ethnic Mariis in administrative posts in the Republic, the resolution also lamented the lack of a free press in the Republic and mentioned the severe beating in February 2005 of Vladimir Kozlov, editor-in-chief of the international Finno-Ugric

newspaper *Kudo+Kodu* and director of Merkanash, a national public organization of Marii in Russia.

Serbia and Montenegro

The authorities of Serbia and Montenegro have taken decisive steps to protect national minorities in such fields as education and language rights. There are, however, wide variations between regions in terms of efforts taken to protect the languages and cultures of national minorities. Whereas in Vojvodina a number of initiatives have been introduced, the situation is considerably less developed, with respect to the protection of the Vlach national minority in north-eastern Serbia. The Union Charter of Human Rights and Minority Rights and Civil Freedoms, and the federal Law on the Protection of Rights and Freedoms of National Minorities contain promising innovations such as the setting up of the National Council of national minorities. It further recognizes the commitment of the Ministry for Human and Minority Rights to the implementation of the laws. However, the main problems in the protection of national minorities in Serbia and Montenegro pertain to the implementation of the relevant norms in practice and at the level of the constituent states, as the State Union is only to become active if either Serbia or Montenegro fails to provide for adequate protection of minorities (Article 9 of the federal law).

Serbia lacks a law on national minorities, which means that commitments to minority rights are implemented through subject-specific laws or not at all. In general, the commitment to minority rights protection of law-makers and the executive has been reactive, mainly in response to international pressure. Between 2002 and 2004 some 11 minority councils were established and they include all larger minorities with the exception of Albanians. A Serbian Council for National Minorities was established in September 2004 by the Serbian government, which includes the presidents of the national councils. The Serbian parliament also established an Ombudsperson Office in September 2005 with minority rights among its responsibilities. According to the 2002 Serbian Law on Local Self-Government, a Council for Interethnic Relations was set up in municipalities with minorities making up more than 10 per cent of the population. However, not all municipalities that qualify have established these councils, and in municipalities

where minorities are not in large numbers, other systems need to evolve.

Although many minorities in Serbia have their own political parties, only the larger Hungarian and Bosniak minorities have been regularly represented at the national level. The main Hungarian party is the Alliance of Vojvodina Hungarians, and the two key parties of Bosniaks are the Party for Democratic Action and the Sandžak Democratic Party. Smaller minorities, especially Albanians, have been mainly effective in securing representation at the municipal level. After the representation of minority parties dropped from eight (representing 3.2 per cent of votes) to two (representing 0.8 per cent) in the December 2003 elections, the parliament amended the electoral law and abolished the threshold for minority parties.

In 2002, the Ministry for Human and Minority Rights established the Office for a Roma National Strategy, which developed a detailed national strategy in terms of the necessary reforms for the coming decade in all key fields. However, Roma remain marginalized throughout Serbia and are represented only in a few municipalities. The police force includes only few police officers from minority communities, with the exception of southern Serbia, where a special multinational Serb-Albanian police force was established in 2001.

Montenegro has not implemented the federal Law on National Minorities, and an ongoing initiative of a Law on National Minorities has not left the drafting stage. In the absence of these legal frameworks implementation of minority rights remains an ad hoc affair, not based on clear universal standards. Thus, for example, there is no clear legal provision for the recognition of minority languages in municipalities. In addition to the Ministry for Protection of the Rights of National and Ethnic Groups established in 1998, and the Republican Council for Protection of Rights of Members of National and Ethnic Groups, Montenegro established an Ombudsperson Office in 2003. The electoral law, which provides for a lower threshold for the registration of candidates in local and republican elections for Albanian candidates, was reduced in 2002 from five to four. That law has been repeatedly criticized by Office for Democratic Institutions and Human Rights (OSCE/ODHIR) election observers as it benefits only one minority. Generally, minorities are under-represented in

government and parliament whereas at the local level, minorities, with the exception Roma, are frequently represented in municipal councils, governments and administration. Minorities are insufficiently represented in sensitive fields, such as policing, and in state institutions. Where there is representation they tend to work in lower-ranking positions in the public administration.

A major challenge in Montenegro is the provision of Roma education. Only 8 per cent of Roma below the age of 18 attend school. Some 1,066 Roma attended elementary school in 2004 whereas in 2003, there were only 39 Roma children in secondary schools and four attending university. For the displaced Roma from Kosovo, school attendance is particularly difficult as the first language of 60 per cent of them is Albanian and for nearly all of the remaining 40 per cent it is Romani.

Kosovo

Since the international community first took over the administration of Kosovo in 1999, the issue of the future status of the Albanian-dominated entity has been a key factor in its regional relations, as well as in the democratization process. March 2004 saw a resurgence of ethnic violence. The events shocked both the international community and local institutions: protests against the alleged killing of three ethnic Albanian children escalated into violent clashes between ethnic Albanians and Serbs, and clashes with the international peacekeeping forces in Kosovo, UN police and the NATO-led Kosovo Force (KFOR). Although the previous four years were characterized by relatively positive developments in Kosovo, the violence in 2004 saw over 28 civilians and one KFOR soldier killed and hundreds wounded, 3,600 Serbs displaced, 30 Serbian churches and 200 Serbian houses destroyed. It has been argued that the origins of the event are to be found below the political level and beyond the control of the political parties. Kosovo Albanian leaders were as surprised by the events as the international community. June 2005 witnessed violence on a smaller scale; this time there were a number of coordinated attacks against the international presence in the province. Serbia continues to provide basic services such as health care and education, as well as documentation (birth and marriage certificates, passports) to ethnic Serbs living in Kosovo.

The Provisional Institutions for Self-Government

(PISG) have, in conjunction with the UN in Kosovo (UNMIK), been integral to the implementation of standards for democracy and a final review of the PISG's progress to date has determined that status talks can begin in 2005. While in June 2005, the Special Representative of the UN Secretary-General admitted that the process of standards implementation, including issues of human and minority rights, had slowed down, the Norwegian ambassador to NATO, who was tasked to carry out an evaluation of the standards implementation process, reported to the Security Council in September 2005 that, notwithstanding the inadequate level of implementation, talks should go ahead. The UNMIK authority signed two technical agreements with the Council of Europe in 2004 to submit reports under the FCNM's monitoring system and the Committee for the Prevention of Torture. The official report for the FCNM has been submitted but the shadow report is still outstanding.

Slovenia

In Slovenia a large number of mainly former Yugoslavians remain without permanent residence and citizenship as a result of the Slovenian government's post-independence 'erasing' from the public registry of those who had not come forth before a certain deadline. Even though the Slovenian Constitutional Court in 1999 and again in April 2003 recognized the unlawfulness of the removal from the registry of more than 18,000 permanent residents and ordered the Slovenian authorities to retroactively restore their permanent resident status, only some 12,000 have had their residence permit reinstated. Following the 2003 Constitutional Court decision, the Slovenian Ministry of Interior has begun issuing permanent residence decrees with retroactive validity but, as of February 2005, only approximately 4,100 such decrees had been issued. Being without residence permits for these years has impacted negatively on the enjoyment of these individuals' pension and other social and economic rights.

Spain

After years of bloody clashes, terrorist attacks and broken cease-fires, the Spanish government banned the political wing of the militant organization, Euzkadi Ta Askatasuna (ETA), the Basque separatist Herri Batasuna party, indefinitely in March 2003.

Delegates of the party in the Basque regional parliament however held on to their seats by changing the name of the party. In March 2004, following the collapse of the Aznar government largely because of its unsuccessful political manoeuvring to blame ETA for the Madrid bombings, the new government of Jose Luis Rodriguez Zapatero came into power and subsequently achieved the support of the Spanish parliament in May 2005 to offer peace talks with ETA provided the group disarmed. Zapatero therefore called for ETA to disband and disarm. Previous governments have also attempted negotiations with ETA but this time Zapatero could bank on a change of minds and hearts of the Spanish people in favour of finding a peaceful solution to the conflict induced by the escalation in international and internal terrorism. The weakening of the ruling pro-autonomy moderate nationalist party in the Basque regional elections in April 2004 has also been seen as strengthening Zapatero's argument for talks. The arrest and indictment of a former Batasuna member, Arnaldo Otegi, has however put Zapatero's efforts in jeopardy.

In Spain, considerable socio-economic differences persist between a large number of Roma and the rest of the population. Members of the Roma communities face marginalization and social exclusion, but the Spanish government has made efforts to improve the situation of the Roma through the Governmental Roma Development Programme.

Turkey

With the December 2004 recognition of Turkey as an official candidate for EU accession, the long-suppressed issue of minority rights both by the government and in the collective consciousness of society was placed openly on the agenda. In seeking to fulfil the minority protection conditionality of the Copenhagen Criteria the government enacted a series of constitutional and legislative reform laws implicitly granting ethnic and linguistic minorities certain language rights and making some progress towards protecting the hitherto violated property rights of non-Muslims. However, the government carefully avoided any explicit reference that could suggest an official recognition of minority identities. It made minorities' exercise of their limited rights prohibitively difficult by attaching restrictive conditions to them and by conferring on

officials a virtually unchecked authority in adopting secondary legislation.

Ukraine

While the 2004 presidential campaign in the Ukraine had a strong impact on the ethnic sphere of Ukrainian society, the present Ukrainian government has yet to approve any relevant comprehensive legislative documents to improve the current legislative framework on minorities. Unlike the 1990s, which witnessed a proliferation of legislation on minorities, 2004 and 2005 did not meet the expectations of many Ukrainian citizens, who hoped for drastic positive changes in the sphere of ethnic policy. Of 16 projects registered at the Parliamentary Committee on Human Rights, National Minorities and Interethnic Relations, only three dealt with ethno-political issues. One of these projects, on the renewal of the rights of persons deported on ethnic grounds, had been considered by the Ukrainian parliament and approved at the second reading but was vetoed by the former president.

Another law on the concept of minority rights policy is still under consideration, but the absence of a comprehensive minority rights law creates contradictions in Ukrainian legislation and difficulties in the exercise of human rights. While there is a political will to establish a comprehensive legislative framework on minorities, there is a lack of consensus among the main authorities over the key terms and concepts to be included. There is also a disagreement on what type of nation the Ukraine should be, poly-ethnic, multicultural or both. The new president of the Ukraine, Viktor Yushchenko has expressed a desire to overhaul the Ukrainian legislation on minorities in order to bring it up to European standards, including the existing law on national minorities adopted in 1992 which does not contain any provisions on the Crimean Tatars. This affected those Crimean Tatars who returned to their homeland after 1991 and found that they were denied citizenship rights, access to education, employment and housing.

The situation of the Crimean Tatars within Crimea, however, has improved somewhat. In May 2005, the leader of the Tatars, Mustafa Dzhemilev, and the Crimean Prime Minister Anatoliy Matviyenko signed a power-sharing agreement that ended four months of administrative deadlock over the peninsula. This agreement deals with the two main issues: the land that the Crimean Tatars

consider to have been confiscated during the Stalin regime, and the protection of their cultural and linguistic identity. According to the power-sharing agreement, the Crimean Tatars will participate in government and be entitled to a television channel and media broadcasting in their own language. At the same time, Mustafa Dzhemilev urged President Yushchenko to help restore the original names of Crimean Tatar cities and villages, and to submit to the Ukrainian parliament the law on restoring the rights of those deported on ethnic grounds as well as a law on the status of the Crimean Tatar People. He also suggested that the Ukrainian parliament pass an amendment to the law on the elections to the parliament of the Crimean Autonomous Republic that would guarantee Crimean Tatar representation. President Yushchenko cautioned the Crimean Tatars that this would require making amendments to the 1991 Declaration on the Sovereignty of the Crimean Tatar People. Ukrainian and Crimean Tatar minorities still suffer discrimination by the ethnic Russian majority in Crimea and have called for the Ukrainian and Crimean Tatar languages to be given a status equal to Russian.

The Ukrainian Constitution provides for the free development, use and protection of the Russian language and other minority languages, but the increased use of Ukrainian in schools and in the media is cause for concern as it renders the children of Russians disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test. According to 2003 official statistics on languages used in schools, Ukrainian was the language of instruction in 16,532 schools, Russian in 2,215, Romanian in 97, Hungarian in 68, Moldovan in 9, Crimean-Tatar in 10 and Polish in 3. Ethnic Romanians have called for university-level instruction in Romanian or the establishment of a Romanian technical college. The Rusyns (Ruthenians) remain unrecognized as an official ethnic group even though they are recognized in neighbouring countries. Representatives of the Rusyn community have called for Rusyn-language schools and a Rusyn-language department at Uzhhorod University. Roma continue to face considerable societal discrimination, and opinion polls have shown that, among all ethnic groups, the level of intolerance is highest toward Roma. In particular, violence and abuse by police is of major concern with regard to Roma.

United Kingdom

In Northern Ireland the 1998 Good Friday Agreement which ended the years of 'troubles' and set the region on a path towards devolution, power-sharing and ostensibly peace, has been broken numerous times resulting in the British government suspending devolution powers. Since the last occasion on which devolution was suspended, in October 2002, it has not been restored. In an effort to restart the peace process, the British and the Irish governments promised in a December 2004 statement to restore power-sharing to Northern Ireland on the condition of that (1) all paramilitary activity cease, (2) weapons are decommissioned, (3) new political institutions are stabilized and (4) all communities support the police.

However, before the process could even begin, a Catholic, Robert McCartney was brutally murdered in January 2005, allegedly by agents of the Irish Republican Army (IRA), although this was denied by the IRA. Public opinion mounted against IRA as a result of the circumstances surrounding the McCartney murder, and in the campaign leading up to the May elections in the United Kingdom, the Irish Republican party Sinn Féin distanced itself further from the IRA. Following a good election for Sinn Féin, the IRA finally declared its readiness to disarm and end all violence in July 2005. A march by the Orange Order in Belfast in September 2005 however disrupted the peace yet again, and it remains unclear when devolution will be reinstated for Northern Ireland. ■