

Project Fiche No 1

Promoting human rights and protecting minorities in the Western Balkans

1. Basic information

- 1.1 CRIS Number:** 2011/022-964
- 1.2 Title:** Promoting human rights and protecting minorities in the Western Balkans
- 1.3 ELARG Statistical code:** 01.36 – Political Criteria
- 1.4 Location/Beneficiaries:** Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia, as well as Kosovo*,

Implementing arrangements:

- 1.5 Contracting Authority (EU):** European Union represented by the European Commission on behalf of the Beneficiaries.

- 1.6 Implementing Agency:** Council of Europe

1.7 Lead Beneficiaries

Albania: Ministry of Labour, Social Affairs and Equal Opportunities

Bosnia and Herzegovina: Ministry for Human Rights and Refugees

Croatia: Office for National Minorities

Montenegro: Ministry for Human and Minority Rights

Serbia: Ministry for Human and Minority Rights

The former Yugoslav Republic of Macedonia: Ministry of Labour and Social Policy/Ministry of Justice

Kosovo: Advisory Office for Good Governance

Financing:

- 1.8 Overall cost (VAT excluded)¹:** EUR 3 600 000
- 1.9 EU contribution:** EUR 3 600 000
- 1.10 Final date for contracting:** 30 November 2011
- 1.11 Final date for execution of contracts:** 30 November 2014
- 1.12 Final date for disbursements:** 30 November 2015

* under UNSCR 1244/99

¹ The total cost of the project should be net of VAT and/or other taxes. Should this not be the case, the amount of VAT and the reasons why it should be considered eligible should be clearly indicated

2. Overall Objective and Project Purpose

2.1 Overall Objective:

To improve respect for human rights, particularly minority protection in the Beneficiaries in practice, by enhancing the capacities of the various national bodies involved and the regional coherence of their activities.

2.2 Project purpose:

To strengthen the implementation of relevant legislation in the Beneficiaries by promoting best practices in line with European values and standards for promoting human rights and protecting minorities as well as to develop a functioning regional network of the national bodies involved.

2.3 Link with AP/NPAA / EP/ SAA

Compliance with the Copenhagen political criteria, including the respect for human rights and the protection of minorities, feature prominently in the **Accession** and **European Partnerships**. These principles are central to the EU's pre-accession strategy in the Western Balkans, the Stabilisation and Association Process, for both the candidate countries (Croatia, the former Yugoslav Republic of Macedonia, Montenegro), and the potential candidates (Albania, Bosnia and Herzegovina, Serbia, Kosovo). The situation is detailed in the European Commission's annual Enlargement Progress Reports.

The project will address the following **Accession/European Partnership** priorities:

- Fully comply with the Human Rights acquis of the Council of Europe, especially the European Convention on Human Rights (ECHR), the Framework Convention for the Protection of National Minorities (FCNM), the European Charter for Regional and Minority Languages (ECRML), as well as the relevant recommendations made by other relevant Council of Europe bodies, such the Commissioner for Human Rights or the Parliamentary Assembly.
- Set up and promote effective mechanisms to identify, pursue and penalise all forms of discrimination by State and non-State bodies against individuals or groups;
- Promote access to education, justice and social welfare for members of minority groups;
- Ensure administrative capacity to implement policies on social inclusion and social protection.

Some Beneficiaries of the region prepared **National Programmes for Adoption of the Acquis** indicating in detail how they envisage to implement the Accession Partnership priorities and to prepare for integration with the EU, highlighting human rights standards and other mechanisms to protect minorities.

Where applicable, the Project will also contribute towards the implementation of the **Stabilisation and Association Agreement (SAA)** Article 2 on the respect for the democratic principles and human rights as the core principles of this Agreement.

2.4 Link with MIPD

Respect for human rights and the protection of minorities is one of the priorities addressed under the broader sector of 'Justice and Home Affairs, including fundamental rights and vulnerable groups in the MIPD 2011-2013.

2.5 Relevant extracts from the strategic EU documents²:

Enlargement Strategy 2010-2011

2.2. Social inclusion

'The economic crisis has had a negative impact on social welfare in the enlargement countries.

² http://ec.europa.eu/enlargement/press_corner/key-documents/reports_nov_2010_en.htm

Vulnerable groups, including minorities, disadvantaged communities and people with disabilities, have been particularly affected'. The Commission is committed to helping the enlargement countries to improve conditions for vulnerable groups (...). This support will be reinforced, with a view to improving living conditions in the countries most concerned, by helping them to develop a comprehensive approach to problems of social inclusion. (...) The Commission encourages them to work to reduce poverty and social exclusion, in line with the priorities of the Europe 2020 strategy.

2.5. Reconciliation, regional cooperation and bilateral issues in the Western Balkans

'Respect for and protection of ethnic minorities throughout the region (...) are important for reconciliation'.

Relevant conclusions of the Progress Reports on Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo and Serbia

Bosnia and Herzegovina

'There has been limited progress regarding human rights and protection of minorities. Bosnia and Herzegovina has ratified the major international human rights conventions, but sustained efforts are necessary to ensure better implementation. Enforcement of domestic rulings, including those of the Constitutional Court of Bosnia and Herzegovina, needs to be strengthened. There has been some progress regarding the respect for and protection of minorities and cultural rights. In terms of inter-ethnic relations, the number of divided schools ('2 schools under 1 roof') has decreased and a common nine-year curriculum has been introduced in most schools. However, separation of children within schools along ethnic lines remains an issue. Further steps are needed in order to improve the implementation of the Law on national minorities.'

Croatia

'Croatia continues to meet the political criteria. Progress has been made in many areas, including in the field of rule of law. However, efforts must continue and further intensify in particular in the field of judicial and administrative reform, the fight against corruption and organised crime, respect for and protection of minorities and refugee return.

Some progress has been made in the area of human rights and the protection of minorities. Human rights protection is ensured overall but certain important challenges remain in terms of implementation. There has been some progress with regard to respect for and protection of minorities and cultural rights. Greater focus on minority issues can be reported in a context of improved relations in the region, particularly between Croatia and Serbia. Constitutional provisions on minorities were strengthened. However, many problems remain for minorities. Croatia needs to continue to foster a spirit of tolerance towards the Serb minority. Croatia also needs to take appropriate measures to protect those who may still be subject to threats or acts of discrimination, hostility or violence. (...) Minorities continue to face difficulties in the area of employment, both in terms of under-representation in state administration, the judiciary and the police as well as in the wider public sector.'

The former Yugoslav Republic of Macedonia

'Following substantial reforms in 2009, further progress has been made, although at an uneven pace, as regards the reform of the parliament, the police, the judiciary, public administration and respect for and protection of minorities. (...) However, further efforts are needed in most areas related to the political criteria. (...) The legal and institutional framework for human rights and the protection of minorities is in place and civil and political rights are broadly respected. However, existing legal guarantees need to be fully enforced. Progress was achieved in the area of respect for and protection of minorities and cultural rights. There has been some progress on equitable representation and the government undertook steps to foster inter-ethnic integration in the education system. Nonetheless, the integration of ethnic communities remains limited and greater dialogue is needed to foster trust especially in the areas of culture and language.'

Kosovo

'The constitution guarantees human rights and the respect for and protection of minorities and lists the main international agreements and instruments directly applicable in Kosovo. However, the institutional set-up and the lack of political will hamper the effective implementation of legal standards in this area. The process of integrating the Serb community is ongoing. (...) There has been some progress on civil and political rights. (...) There has been limited progress as regards respect for and protection of minorities and cultural rights. (...) The Ministry for Communities and Return increased its efforts to assist minority returns of refugees and internally displaced persons. The number of voluntary returnees is increasing across Kosovo.'

Serbia

'Concerning human rights and the protection of minorities, the necessary legislation is in place. The Constitution guarantees civil and political rights which are broadly respected but their enforcement remains to be fully ensured. Relevant legislation remains to be further brought in line with European standards. However, in practice, discrimination continues, particularly against the Roma, the LGBT community, women, national minorities and persons with disabilities. The legislation providing for the respect for and protection of minorities and cultural rights is in place. Elections for the 19 National Minority Councils were held in June 2010 and were on the whole well organised. The Councils are yet to become operational. The inter-ethnic situation in *Vojvodina* has been stable. The implementation of the newly adopted Statute and of the Law on Determination of Competencies, which provides for an extensive autonomy of the province in the areas of local finances and economic development has started. Further legislation needs to be adopted. The situation in *southern Serbia* is on the whole stable but tense. Clashes between ethnic groups and within the Muslim community in *Sandžak* have on the whole decreased. However, tensions persist in particular between the two existing Islamic organisations and in connection to the constitution of the Bosniak National Minority Council'.

Relevant Conclusions and Recommendations of the Commission's Opinions on the membership applications by Montenegro and Albania

Montenegro

'Montenegro has made progress towards fulfilling the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, set by the Copenhagen European Council in 1993, as well as the conditions of the Stabilisation and Association Process. Nonetheless, further efforts are needed. (...) Montenegro would be in a position to take on the obligations of membership in the medium term, in most of the *acquis* fields, provided that the alignment process continues and that, considerable and sustained further efforts are made to ensure the implementation and enforcement of legislation.'³

Albania

'Albania has made progress towards fulfilling the criteria related to the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, set by the Copenhagen European Council in 1993, as well as the conditions of the Stabilisation and Association Process. Nonetheless, considerable further efforts are needed. Albania needs to allocate appropriate resources to guarantee effective functioning of its human rights institutions and upgrade its efforts in the field of protection of minorities.'⁴

³ http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/mn_opinion_2010_en.pdf

⁴ http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/al_opinion_2010_en.pdf

2.6 Link with national/ sectoral investment plans(where applicable)

See Annex IV for legislative and strategic documents

Description of project

3.1 Background and justification:

Article 2 of the Treaty of European Union (TEU) states that *"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."* Article 49 TEU states that *"Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. (...)The conditions of eligibility agreed upon by the European Council shall be taken into account."* The political criteria for accession as endorsed by the European Council in Copenhagen in December 1993 stipulate: *"Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities"*. This means that prospective Member States have to actively promote and implement the above values and conditions of eligibility. Furthermore, according to Article 6 TEU the European Charter of Fundamental Rights of the European Union of 7 December 2000 is recognised by the EU and has the same legal value as the Treaties since the entry into force of the Lisbon Treaty in December 2009. As a consequence, the new legal architecture under the Lisbon Treaty also strengthens the need for minority protection. Articles 21 and 22 of the Charter prohibit any discrimination based on any ground, such as e.g. race, ethnic or social origin, or membership of a national minority, and require that the Union shall respect cultural, religious and linguistic diversity.

Therefore minority issues are key in the context of the EU enlargement process. Respect for and protection of minorities is one of the major conditionalities for accession, forming an integral part of both the 1993 Copenhagen political criteria and the negotiating Chapter 23 (Judiciary and Fundamental Rights).

Compliance with the political criteria features prominently in the Accession and European Partnerships and the situation is detailed further in the European Commission's annual Strategy Paper and Country Progress Reports. These principles are central to the EU's pre-accession strategy in the Western Balkans, the Stabilisation and Association Process, for both candidate countries and potential candidates. In addition, these countries are required to comply with the EU legislative *acquis* in the field of anti-discrimination and equal opportunities. Furthermore, corresponding policy areas and priorities regarding social inclusion have been identified through the Communication from the Commission to the European Parliament and the Council on Enlargement Strategy and Main Challenges 2010-2011 (see section 2.5 for details).

The international standards of the Council of Europe, OSCE, UN and their relevant bodies form part of the values on which the Union is founded and which are common to Member States.

Practically all candidate countries and potential candidates are member states of the Council of Europe (CoE) and thus parties to a number of relevant international standard setting instruments, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), the Council of Europe Framework Convention for the Protection of National Minorities (FCNM) or the European Charter on Regional or Minority Languages (ECRML). As for the relevant CoE monitoring mechanisms, those established under the FCNM and ECRML closely follow respect of the principles of equal treatment and non-discrimination with regard to national minorities, as enshrined in the respective instruments. These specific mechanisms, together with other related instruments, operate in accordance with the specific provisions of ECHR and the relevant case-law of the European Court of Human Rights in Strasbourg. Various recommendations of other CoE bodies, such as the Commissioner for Human Rights, may also be relevant to the specific field.

In the Western Balkans the main challenge today is to tackle the insufficient implementation of existing legislative provisions, stemming from inadequate policy commitments, lack of institutional

capacity, administrative burden, weak civil society structures and insufficient public understanding. Enforcement of human rights in general and minority protection in specific is varied across the region. There exists now by and large an adequate constitutional and legal framework in the Beneficiaries from the Western Balkans to promote human rights in general and to protect minorities in particular (national minorities comprise the main target group of this project, without prejudice to other vulnerable groups). Implementation remains, however an issue of concern: it is too slow, too asymmetric, too much exposed to political discretion. Insufficient or deliberately ignored implementation of the legislation is thus a source of concern in a rule of law perspective (when legislation remains largely on paper, the rule of law is affected) as well as in relation to regional security and stability, since lack of implementation creates frustration among large and vulnerable parts of the population. The major concern today is the protection of minorities in practice, by the full application of the existing legal provisions and, beyond, by the profound understanding and acceptance of the rights enshrined in these provisions by both the decision makers and the public at large throughout the region. The full application of the existing legal provisions requires their full understanding throughout the region.

One asset in the region is the number and the variety of relevant bodies concerned with the promotion of human rights and protection of minorities. Nonetheless, the large number of actors also poses a challenge for the coherence of their activities within each beneficiary. But if such coherence is achieved, the multiplicity and variety of specialised actors can indeed become an asset. Moreover, there is lot of potential for learning from each other's experiences and thus hissing the entire region to a more efficient minority protection in practice.

This project will try to foster a positive outcome by developing a "Network of national bodies with competences in minority protection" (hereafter "the Network") for the purpose of cross-fertilisation, the sharing of best practices and for the acknowledgement of the positive points achieved and the weak points left to be addressed.

Hand in hand with the strengthening of the institutions/bodies in charge of minority protection in the region, the project will aim at ensuring the full understanding and, hence, the implementation of the existing legislation as well as of the applicable European principles, standards and practices. For instance, the preparation of a hand book on the case-law of the two European Courts (the European Court of Human Rights in Strasbourg and the European Court of Justice in Luxembourg) supporting the implementation of EU law and other legal instruments in the field of non-discrimination and access to justice will help to meet this objective.

Both authorities and non governmental bodies have a significant role in this process. As concerns NGOs, although they are not specifically mentioned as beneficiaries of this project, they will be invited to take an active part in the project activities, in view of their essential role in enhancing minority protection in practice.

3.2 Assessment of project impact, catalytic effect, sustainability and cross border impact

Project impact:

The project will impact on the capacity of each participating body, on their capacity to stimulate the coherent nation-wide implementation of legislation and standards, on their collective nation-wide operational capacity, and on the capacity of the whole region to enhance the protection of minorities. It will also have positive impact on the European (Council of Europe and European Union) and the universal systems of minority protection by improving the quality of participation of these bodies in the international fora.

The operational capacity of each participating body will be enhanced by its increased understanding of its own role in the entire system as well as by learning from the experiences, initiatives and best practices of comparable bodies in the region. Also, it will be able to draw arguments from other bodies'

legal and de facto competences, impact or track record, in order to argue for improvements, clarifications or expansion of its own competences in its national context.

By sorting out which precise role each body plays in the national system, by constructively dividing work and responsibilities between them in the light of good practices found elsewhere in the region, the national bodies for the protection of minorities will increase their collective impact on their domestic situations. The exchanges and training which will be found within the Network will help improve the coherence and quality of both national and regional actions of the participating bodies enhancing the overall protection of minorities in the region.

The project will be regularly monitored and the performance evaluated to allow for the relevant readjustments. Several methods will be used to conduct performance monitoring, in particular regular implementation reviews on specific objectives and related activities and results and external monitoring via the European Commission Results Oriented Monitoring. Regular briefing sessions and reports are planned. Evaluation during implementation and/or at the end of the project may also take place.

Given the amount of coordination and information exchange required to ensure an implementation of the relevant legislation, wide-ranging international support is crucial to establish effective coordination mechanisms. The project will contribute positively to coordination at a regional level although actual results in terms of impact in this field are difficult to evaluate in the short or medium term.

Catalytic effect:

This project aims at strengthening the institutional capacities to implement national policies in favour of non majority communities. The expertise gained through this project will be fundamental in designing and implementing policies which have as an objective the reduction of the existing socio-economical gap among different communities, promotion of inclusion, elimination of discrimination and increasing the social cohesion among the members of non-majority and majority ethnic communities, within the beneficiary both on national and local level. The effective protection of minorities is not only for the benefit of the Beneficiaries' authorities or for the minorities themselves but for all the citizens.

Cross border impact will be felt as an indirect result of the project. Within the national component and the Network attention will be paid to the role of local authorities to protect minorities, notably in the delivery of public services. Some cross-border awareness-raising and training activities will also take place under joint initiatives of members of the Network.

Sustainability:

The impacts of the project are expected to be sustainable because they rely not only on the individual performances of the participating national bodies but also on the collective capacity of the Network to enhance the protection of minorities and the enforcement of their rights in the region.

Through the extensive program of training, coaching, exchanging experiences and practices, the staff of the competent institutions should ensure sustainability of the project activities and the achieved results. The staff from the relevant institutions, on national and local level, involved in the project activities will have the responsibility to use, in their daily activities, all the knowledge and skills gained through the provided trainings and other capacity building activities. Trained personnel will be expected to transfer the knowledge to all newly employed staff through on the job trainings, providing them with the training materials and assistance whenever possible and needed.

The governments will have to take actions to become less donor-dependent and has to set as short term priority the provision of budget for strengthening the capacities of the state administration which will enable continuous and more efficient and effective functioning of the structures working in the area of protecting human rights in general and rights of non majority communities in particular. Governmental plans and programmes will also include activities and financial resources for implementation of the policies in favour of non majority communities.

3.3 Results and measurable indicators

Component 1: To strengthen the implementation of national legislation and promote best practices in line with the relevant European values, standards and practices

Measurable indicators:

Formal complaints to relevant European structures for minority protection or judicial litigation decrease;

Improvements are recognised by relevant European monitoring and international conventional mechanisms

Result 1.1

The capacities of the specialised national bodies competent in minority protection to fulfil their mandate is strengthened in line with national legislation, as well as with the international and European values and standards

Measurable indicators:

Case studies are handled correctly during training sessions;

Substantive issues are presented convincingly, relying on national and international standards;

Trainers/consultants confirm that the necessary level of knowledge and skills has been attained;

The heads and staff of the bodies demonstrate awareness of the relevant European and international values, norms and practices in the specific field;

The number of complaints processed on these issues, and the specificity of the recommendations, increases;

Initiatives by the institutions related to lobbying, policy-making and legislation increase.

Result 1.2

Cooperation and coordination between minority protection bodies present within each Beneficiary are reinforced.

Measurable indicators:

Exchange of information between the national bodies increases;

Informal or formal structures of coordination are introduced;

Focal points are identified within the institutions and given responsibility for coordination and outreach;

Transmission of cases between the relevant bodies occurs;

Links are established with professional associations.

Result 1.3

Relations and co-operation between minority protection bodies and the legislative, executive and judicial authorities, at central and local level are improved.

Measurable indicators:

Minority protection is mainstreamed throughout government policies;

Laws and policies adopted at the central and local levels promote minority protection;

Courts render decisions which further minority protection-related legislation, in line with European standards;

Ministries, Parliaments, representatives of relevant administrations, state training institutions and judicial actors take steps aimed at implementing recommendations of minority protection and make use of and take steps to implement relevant Council of Europe and EU findings and recommendations;

Relations and co-operation between NGOs and public authorities are promoted and/or institutionalised or formalised;

Informal or formal structures of coordination are introduced;

Focal points are identified within the institutions and given responsibility for coordination and outreach.

Component 2: Networking and exchange of best practice in the region

Measurable indicators:

The network is formally established, meets, takes decisions and identifies its priorities, working methods and configuration according to theme, beneficiary and process;
Network members confirm the utility of the process;
Publications and training materials are produced and translated;
Best practice is extracted and made available across the network and to other stakeholders.

Result 2.1

Production of a needs assessment based on CoE monitoring mechanisms and other relevant inputs and a mapping of the institutional landscape identifying existing bodies, national, local and non-governmental, concerned with the protection of minorities in the region.

Measurable indicators:

Analysis available of all existing relevant national, local and non-governmental structures;
Comparable types of responsible national and local institutions can be identified throughout the region and can serve as interlocutors;
Detailed, comparative assessment of level of implementation of European minority protection standards is available based on reports, evaluations of the relevant monitoring mechanisms.

Result 2.2

The Network of institutions and stakeholders active in each Beneficiary on the protection of minorities is established.

Measurable indicators:

Quality de-briefing papers, guidelines, conclusions available;
Continued active participation in the meetings by heads and staff of relevant bodies;
Regular meetings of the Network; training or awareness-raising events, exchange of experience, cross-institutional visits etc.;
Increased international or regional visibility by virtue of the activities of the Network, including new requests for invitations to those events;
A Network newsletter is issued electronically informing the members of the Network of activities and institutional or other developments pertaining to their work;
A section of the Council of Europe's web site dedicated to the project, the Network and the activities run under it.

Result 2.3

The members of the network have access to documentary resources of common interest relevant to their mandate and in the relevant languages.

Measurable indicators:

Materials developed on substantive issues relevant to the work of the Network members and related to the key CoE instruments;
New handbooks developed and translation of existing relevant publications regarding minority protection, anti-discrimination law, applicable ECtHR and ECJ jurisprudence;
Training materials developed, including E-learning tools;
Instruments, cases, decisions, materials, reports translated and published in the necessary languages;
Compendium prepared extracting and synthesising best practices as identified through the work of the Network.

3.4 Activities:

Under Component 1: To strengthen the implementation of national legislation and promote best practices in line with the relevant European values, standards and practices

For Result 1.1: The capacity of the national specialised bodies dealing with minority protection to fulfil their mandate, in line with national legislation, as well international and European standards, is strengthened.

Activities:

- Tailor-made assistance plan to include:
 - Training needs assessment, Training plans for capacity building, training sessions for national bodies, according to their needs;
 - Experts' advice for improved functioning of the national bodies, expertise on legislation, bylaws, internal rules of procedures, etc.
- Seminars, experts' meetings, workshops on topical issues
- Study visits, traineeships, staff exchanges for Heads and staff of national bodies
- Mentoring through the Network

For Result 1.2: Cooperation and coordination between minority protection bodies present within each Beneficiary are reinforced.

Activities:

- Expertise and advice for the setting up of domestic coordination structures
- Roundtables, workshops and seminars to promote networking, mutual exchange of information, promote coordination and share best practices.
- Forums, platforms, clearinghouse on specific issues such as the use of the FCNM and ECRML
- Development of agreements, Memorandums of Understanding (MoU) or other forms of medium or long-term co-operation structures between bodies operating at different levels within one Beneficiary
- Seminars/workshops, other activities aimed at capacity-building and also developing national bodies' capacity to deliver capacity-building for other bodies directly concerned with the protection of national minorities or fight against discrimination.

For Result 1.3: Relations and co-operation between minority protection bodies and the legislative, executive and judicial authorities - at central and local level, are improved

Activities:

- Joint study visits, seminars, workshops on topical issues,
- Regular information exchange, on relevant international and domestic developments, including case law and legislation,
- Round tables and workshops with local and central administration, other interested parties.
- Training needs assessment, training plans, training sessions for local authorities with minority protection structures,
- Forums, including cross border, to exchange best practices between the local authorities, minority councils, national structures, education institutions and NGOs, to share experiences and identify possibilities for mutual support and bilateral partnerships thematic exchanges - different areas of intervention could be concerned, for example languages, media, housing, employment, recruitment of public officials, education, health, etc
- Town hall-type meetings with local authorities and general public

Under Component 2: Networking and exchange of best practice in the region

For Result 2.1: Production of a needs assessment based on CoE monitoring mechanisms and other relevant inputs and a mapping of the institutional landscape identifying existing bodies, national, local and non-governmental, concerned with the promotion of human rights and protection of minorities in the region

Activities:

- Expert study, comparative analysis and needs assessment of national implementation of relevant European standards based on CoE monitoring mechanisms and other relevant inputs;
- Mapping of the existing institutional landscape – identifying the relevant bodies to be involved in the Network including national, local and non-governmental bodies concerned with the protection of minorities.

For Result 2.2: The Network of institutions and stakeholders active on the protection of minorities in each Beneficiary is established.

Activities:

- Setting up of the Network: nomination of contact persons, terms of reference, mission statement;
- Meetings of the Network and subgroups;
- Organisation of thematic round tables to promote networking, mutual exchange of information and sharing best practices between international experts, representatives of national specialised bodies in the region and government actors as well as national NGOs active in field of minority protection.
- Organisation of regional information seminar/workshops including representatives of all target groups on the use of the FCNM and ECRML as tools, on the application of the both conventions, including drafting recommendations for improvements in implementation, in accordance with the recommendations from the monitoring activities of both conventions and other relevant mechanisms, bodies present in Europe.
- Organisation of joint trainings according to the needs.
- Electronic newsletter on network activities and institutional or other developments pertaining to the field, including developments in the European Court of Human Rights, the Advisory Committee on the Framework Convention for the Protection of National Minorities, the European Charter of Regional and Minority Languages, and other related CoE bodies, such as the Council of Europe Commissioner for Human Rights
- Conceiving and maintaining of a section of the CoE's website dedicated to the project, to the Network and to the activities run under it.
- Awareness raising or information dissemination activities: forums, public engagements,

For Result 2.3: Documentary resources of common interest are produced by the network.

Activities:

- Expert analysis of specific legislation, practices, made available for the Network,
- General Publications, translations of relevant CoE standards and ECHR case-law,
- Creation of accessible database
- Publication of assessment/mapping
- Compendium of best practices
- Preparation, publication and dissemination of training materials, including e-learning materials.
- Preparation of materials on substantive issues relevant to the Network members and related to the key CoE instruments;
- Preparation and publication of relevant information material on the Council of Europe standards (handbook/guide for the use by NGOs and authorities at all levels).
- Preparation of handbooks, including the translation of existing relevant publications on minority protection, especially regarding the existing legislative provisions, European jurisprudence and a case law matrix of specific issues, to facilitate the work of legal professionals and practitioners.

For project management and implementation:

Activities:

- Setting up of a Steering Committee, meetings of the Steering Committee
- Establishment, meetings of the Expert Advisory Board
- Recruitment, set up of the project management office, project teams, liaison officers, consultants, experts
- Inception report, other financial and narrative reporting
- Preparation of work plans, evaluation plan.

3.5 Conditionality and sequencing:

The project is conditional on several factors (The matrix in Annex 1 highlights the estimation of risk levels, and the mitigation measures employed).

- The first category of potential risk has to do with the political relevance of the thematic area of intervention, and the degree of political sensitivity of the subject.
- The implementation of the project requires the full commitment and participation of the relevant institutions. The Beneficiaries should be willing to establish and develop a network and work together to help strengthen advocacy. A critical mass of the most significant bodies for the protection of minorities in the Beneficiaries must be ready to participate actively in the project activities. This should be achieved by precise knowledge of these bodies by way of the mapping and a subsequent careful choice of the themes of the project activities and of those invited to participate. The process must be done in a way that gives the participating bodies a sense of ownership of the work programme.
- While highly respectful of local, national and regional particularities, the project activities must provide well-prepared, well-structured and well-presented expert input on substance. Close consultations on the precise content of each project activity with the Secretariat of the Framework Convention for the Protection of National Minorities, the one of the European Charter of Regional and Minority Languages, the European Court of Human Rights – the Department for the Execution of Judgments of the Court, the Commissioner for Human Rights and other specialised sectors of the Council of Europe as appropriate will allow the Council of Europe's Project Team to identify and mobilise on each topic the best expertise available in Europe.
- The Beneficiaries need to ensure that appropriate staff is made available to facilitate the implementation of the project.

As to the sequencing of the project activities it will be important to use the inception phase for thorough preparatory work that will comprise in particular:

- The preparation of the mapping of the institutional landscape and the comparative assessment of the level of implementation of standards and legislation at national level;
- Consultation meetings with the heads of the bodies who may wish to participate in the Network;
- Establishment of the Steering Committee and the Expert Advisory Group;
- Setting up of the project implementation office in the region and recruitment of experts, project management teams.

The Steering Committee shall meet at least once per year to assess the implementation of the project, its working methods and impact.

At least once per year the heads of the bodies that make up the Network will meet to discuss the lessons learned from the work of the past year, to submit ideas for the adjustment or improvement of the Network's methodology and decide on the topics and places of the workshops of the following year.

3.6 Linked activities

Previous or on-going Council of Europe projects:

Under the “Peer-to-Peer Projects” co-financed by the European Union and the Council of Europe, two networks similar to this project’s Network have been successfully created and are being intensively nurtured, one of the national ombudsperson and national human rights commissions (“The European Network of National Human Rights Structures”) and one (“The European NPM Network”) of the recently established National Preventive Mechanisms against torture (NPMs).

Examples for joint CoE/EU projects in the specific field:

- CoE/FRA joint programme “supporting the implementation of EU law and other legal instruments in the field of non-discrimination and access to justice” production of a handbook for EU member States. 2010
- EU/CoE Joint Programme “Support to the Promotion of Cultural Diversity in Kosovo (2009-2012)
- EU/CoE Joint Programme “Dialogue Platform on ethnical/solidarity based citizens’ initiatives to combat poverty and exclusion” (2007-2008)
- EU/CoE Joint Programme “Intercultural dimension of social cohesion – role of social policies” (2005-2006)

Examples for European Union activities in this field:

Through various CARDS and IPA programmes, both at national and multi-beneficiary level, various projects related to minority protection have been implemented. Apart from the support to marginalised communities, the projects also targeted the return and integration of refugees and Internally Displaced Persons (IDP).

Previous or current EU-funded projects targeting disadvantaged communities include:

a. Regional or multi-beneficiary programmes:

- CARDS Regional Programme 2006 - Social inclusion of and access to human rights for Roma, Ashkali and Egyptian communities in the Western Balkans
- IPA Multi-beneficiary Programme 2008 - Regional Programme for Social Security Coordination and Social Security Reforms in South East Europe
- IPA Multi-beneficiary Programme 2008 - Social inclusion: regional support to the marginalised communities
- IPA Multi-beneficiary Programme 2008 - Regional Programme for refugee return and provision of durable solutions for refugees and Internally Displaced Persons in the Western Balkans
- IPA Multi-beneficiary Programme 2009 - Social inclusion: regional support to the marginalised communities
- IPA Multi-beneficiary Programme 2009 – Migration and socio-economic development in the Western Balkans
- IPA Multi-beneficiary Programme 2009 - Regional Programme for refugee return and provision of durable solutions for refugees and Internally Displaced Persons in the Western Balkans
- IPA Multi-beneficiary Programme 2009: Regional programme for durable solutions for Refugees and Internally Displaced Persons Displaced during 1991-1995 in Southeast Europe

b. CARDS/IPA national programmes:

- CARDS “Equitable representation of non-majority ethnic communities in the civil service – Public Administration Certificate Training Programme (The former Yugoslav Republic of Macedonia)
- CARDS “Technical Assistance for the Sector for the Implementation of the Ohrid Framework Agreement and training of Category I civil servants” (The former Yugoslav Republic of Macedonia)
- IPA 2007: Implementation of Priorities in the Area of Human Rights and Protection of National Minority Groups (Serbia)
- IPA 2007: Support to Refugees and IDPs (Serbia)
- IPA 2007: Return, Reintegration and Cultural Heritage in Kosovo - Activity 1: Return and Reintegration of Refugees and IDPs to Kosovo

- IPA 2008: Support for Vulnerable Groups in Bosnia and Herzegovina - IPA 2008: Durable solutions for refugees and displaced persons in Montenegro
- IPA 2008: Fostering Social Inclusion by strengthening institutions that provide community-based social protection services (Serbia)
- IPA 2008: Support to Refugees and Internally Displaced Persons in Serbia
- IPA 2008: Return and Reintegration in Kosovo
- IPA 2008: Support for Vulnerable Groups in Bosnia and Herzegovina

c. Under EIDHR :

Minorities Rights Group International implemented a large project aimed at raising awareness of minorities and at implementing minority rights by enhancing local capacities to engage in dialogue with governments and bringing local problems to national and international attention. The project involved 11 countries of South, Central, and Eastern Europe

Other donors:

“Advancing Inclusion of Vulnerable Groups in Southeast Europe: Minority Rights Advocacy in the EU Accession Process, 2007-2010”, funded by UK Department for International Development and Charles Stuart Mott Foundation and implemented by Minority Right Groups International

This three-year project started in 2007 aiming to eliminate discrimination and ensure minority protection in the Western Balkans by contributing to the inclusion and effective participation of South East European minorities in the economic and social development processes. The project took place in Bosnia and Herzegovina, Croatia, Kosovo, “the former Yugoslav Republic of Macedonia”, Montenegro and Serbia with the purpose of utilizing the opportunities provided by the EU accession process to combat the exclusion and poverty faced by minority communities through the mainstreaming of effective minority participation in political and development processes in South East Europe (SEE).

3.7. Lessons learned

This project responds to all the lessons learned in the implementation of previous projects, which have been translated into conditionalities (see matrix in Annex 1).

Ownership: Ownership and confidence building are prerequisites to guarantee the quality and sustainability of the measures taken. The ownership of the projects will be secured at all stages of the project (in the programming process and in all phases of the implementation) through regular consultation will beneficiaries and stakeholders.

Implementation: The project will focus on the enforcement and implementation of legislations and policies, as well as on strengthening of the Beneficiary institutions so they can review, enforce, update their strategies, policies and laws in order to enhance the overall situation with non-majority communities and of inter-ethnic relations.

To that end, particular emphasis will be put on the need for sufficient commitment from the relevant authorities, the allocations of sufficient staff and resources, proper co-operation, coordination and communication between relevant stakeholders, and timely procedures for the adoption of decisions and legislation. On another level, there is a need to foster active regional coordination between the various authorities concerned at national and local levels.

Assess state of play: The programme will start, in collaboration with the Beneficiaries, with assessing the current situation in the Beneficiaries through the mapping exercise, and then tailor the appropriate regional approach based upon their specificities and needs.

Ensure sustainability: institutions’ staff must not only be trained to a sufficient level of expertise in the field, but also empowered to continue their work once the programme ends. Proper handover of necessary information, documentation, curricula etc must be ensured.

Avoid duplication: In order to avoid duplication and unnecessary cost, the best use of existing documentation and networks of national bodies has to be considered. Synergies with the existing

networks (one of the national ombudsmen and national human rights commissions and one of the preventive mechanisms against torture) developed within the Council of Europe's project "Peer-to-Peer" will be created. The members of the networks should have increasing impact not only to the human rights protection at national but also at international level, through adequate contribution to the relevant work of the European and international organisations, including the CoE.

4. Indicative Budget (amounts in EUR)

				SOURCES OF FUNDING								
			TOTAL EXP.RE	IPA EU CONTRIBUTION		NATIONAL CONTRIBUTION					PRIVATE CONTRIBUTION	
ACTIVITIES	IB (1)	INV (1)	EUR (a)=(b)+(c)+(d)	EUR (b)	%(2)	Total EUR (c)=(x)+(y)+(z)	% (2)	Central EUR (x)	Regional/ Local EUR (y)	IFIs EUR (z)	EUR (d)	% (2)
Component 1			1 800 000	1 800 000	100							
Component 2			1 800 000	1 800 000	100							
TOTAL IB			3 600 000	3 600 000	100							
TOTAL INV												
TOTAL PROJECT			3 600 000	3 600 000	100							

Amounts net of VAT

(1) In the Activity row use "X" to identify whether IB or INV

(2) Expressed in % of the **Total** Expenditure (column (a))

5. Indicative Implementation Schedule (periods broken down per quarter)

Contracts	Start of Tendering	Signature of contract	Project Completion
Contract 1.1	Not Applicable	Q4, 2011	Q4, 2014

6. Cross cutting issues (where applicable)

6.1 *Equal Opportunity and non- discrimination*

Equal opportunity principles and practices in ensuring equal gender participation in the project will be guaranteed. The institutions involved in the project execution will observe equal opportunity of men and women in the human resources development. The components of this project will ensure equal access of men and women to the project activities and results and all other forms of discrimination on any ground including on ethnic background will be eliminated.

6.2 *Support to the inclusion of vulnerable groups*

One of the ultimate aims of the whole project is to promote equal representation and to provide equal treatment of the vulnerable, or groups at risk. Through the project's component, which will aim to support the capacities and coordination of the institutions in charge of minority protection, and through the implementation of all the policies relevant for vulnerable groups, they will attain better access to employment, education, health and housing and the quality of life and the services provided will be improved.

6.3 *Civil society development and dialogue*

Civil society in the region plays very important role in the process of empowerment and protection of human rights. This project will give support and enable active participation of the all interested and relevant NGOs working in the area covered by the project through strengthening their capacities for their further implementation of the determined goals for the protection of minorities.

6.4 *Good governance*

There is strong determination and actions taken by the governments in the region, both on central and local level for inclusion of all groups in the society in all aspects of social, political and economic life. Through transparent decision making policies, and dialogue with all relevant stakeholders the views of the most vulnerable are heard and implemented in the laws and strategies.

6.5 *Environmental considerations*

The European Community has a longstanding commitment to address environmental concerns in its assistance programmes. The project will be implemented in a way which is as environmentally friendly as possible.

ANNEXES

- I- Logical framework matrix in standard format
- II- Amounts (in EUR) contracted and disbursed per quarter over the full duration of project
- III- Description of Institutional Framework
- IV - Reference to laws, regulations and strategic documents:
- V- Details per EU funded contract

ANNEX 1: Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project Fiche		Promoting human rights and protecting minorities in the Western Balkans	CRIS-No: 022-964
		Contracting deadline: 30 November 2011 Execution deadline: 30 November 2014	Disbursement period expires 30 November 2015
		Total budget : 3 600 000	IPA budget: 3 600 000
Overall objective	Objectively verifiable indicators	Sources of Verification	Assumptions
To improve respect for human rights and enhance protection of minorities in the Western Balkans, by strengthening the operational capacities of the various national bodies involved and the regional coherence of their activities.			
Project purpose 1	Objectively verifiable indicators	Sources of Verification	Assumptions
To strengthen the	Formal complaints to relevant national	Official data of national courts, Ombudsmen,	Political will to implement

implementation of national legislation and promote best practices in line with European standards for the protection of minorities	and European structures for minority protection or judicial litigation decrease; Improvements are recognised by relevant European monitoring and international conventional mechanisms	Equality Commissioners, European Court of Human Rights, European Court of Justice Reports by FCNM, ECRML and other CoE bodies as the Human Rights Commissioner, relevant reports of EC and other relevant EU bodies CoE website	Financial and human resources made available to protection mechanisms, institutions
Result 1	Objectively verifiable indicators	Sources of Verification	Assumptions
The capacity of the national specialised bodies dealing with minority protection to fulfil their mandate, in line with national legislation, international and European values and standards, is strengthened.	Case studies are handled correctly during training sessions; Substantive issues are presented convincingly, relying on national and international standards; Trainers/consultants confirm that the necessary level of knowledge and skills has been attained; The heads and staff of the bodies demonstrate awareness of the relevant European and international values, norms and practices in the specific field; The number of complaints processed on these issues, and the specificity of the recommendations increases; Initiatives by the institutions related to lobbying, policy-making and legislation increase.	Experts' feedback Results of any tests and exercises Activity reports CoE monitoring bodies country reports (ECRML, FCNM and Commissioner for Human Rights) Annual reports of national bodies Reports by the EC and by other relevant EU bodies	Political will Availability of trainers Sufficient financial resources allocated Participation of heads and staff in capacity building activities Follow up to expert's recommendations
Result 2			
Cooperation and coordination between bodies present within	Exchange of information between the national bodies increases Informal or formal structures of	Annual reports of the national bodies CoE monitoring bodies country reports (in particular FCNM, ECRML and Commissioner	Will to cooperate and coordinate Will to set up coordination structures Commitment and ability to engage in

each Beneficiary competent in minority protection are reinforced.	<p>coordination are introduced</p> <p>Focal points are identified within the institutions and given responsibility for coordination and outreach</p> <p>Transmission of cases between the relevant bodies occurs</p> <p>Links are established with professional associations</p>	<p>for Human Rights)</p> <p>Records of common trainings or other events for staff of different national bodies on minority protection feedback from participants and stakeholders;</p> <p>Proceedings or other records of contacts and meetings between associations</p>	<p>long-term cooperation and dialogue</p> <p>Human resources available to take part in the events</p>
Result 3			
Relations and co-operation between minority protection bodies and the legislative, executive and judicial authorities, at central and local levels are improved	<p>Minority protection is mainstreamed throughout government policies</p> <p>Laws and policies adopted at the central and local levels promote minority protection</p> <p>Courts render decisions which further anti-discrimination legislation, in line with European standards</p> <p>Ministries, Parliaments, representatives of relevant administrations, state training institutions and judicial actors take steps aimed at implementing recommendations of minority protection bodies and make use of and take steps to implement relevant Council of Europe and EU findings and recommendations.</p> <p>Relations and co-operation between NGOs and public authorities are promoted and/or institutionalised or formalised.</p>	<p>Annual reports of the national bodies;</p> <p>Official Gazette; relevant legislation;</p> <p>Government policy papers;</p> <p>Parliament records;</p> <p>Decisions and other records of local authorities' initiatives;</p> <p>Experts' feedback;</p> <p>Civil society reports.</p> <p>Reports by the EC and by other relevant EU bodies</p>	<p>Political will to protect minorities;</p> <p>Engagement of the legislature, executive and judiciary to cooperate with relevant national bodies and to implement their recommendations;</p> <p>Effective functioning of the judiciary;</p> <p>Consultation process in Parliament</p> <p>Consultation structures set up by governments.</p>

	Informal or formal structures of coordination are introduced Focal points are identified within the institutions and given responsibility for coordination and outreach		
Project purpose 2	Objectively verifiable indicators	Sources of Verification	Assumptions
Networking and exchange of best practice in the region	The network is formally established, meets, takes decisions and identifies its priorities, working methods and configuration according to theme, country and process. Network members confirm the utility of the process. Publications and training materials are produced and translated. Best practice is extracted and made available across the network and to other stakeholders.	Annual reports of the participating stakeholders; Project reports; Feedback from Beneficiaries and experts; CoE monitoring bodies country reports (in particular FCNM, ECRML and Commissioner for Human Rights) Reports from other IOs and NGOs EC reports	Active participation in and commitment to the Network; Adequate input of the implementation partners for the organisation of network activities. Readiness of institutions or organisations to host or facilitate individual events.
Result 1	Objectively verifiable indicators	Sources of Verification	Assumptions
Production of a needs assessment based on CoE monitoring mechanisms and other relevant inputs and a mapping of the institutional landscape identifying existing bodies, national, local and non-governmental, concerned with the protection of minorities in the region	Analysis available of all existing relevant national, local and non-governmental structures. Comparable types of responsible national and local institutions can be identified throughout the region and can serve as interlocutors. Detailed, comparative assessment of level of implementation of European minority protection standards is available based on reports, evaluations	The needs assessment report itself; Network meeting reports; Experts' reports.	National and local bodies contribute to the fact-finding and information gathering part of the mapping Will of the national bodies to be part of the network Adequate coverage, dissemination of information to reach relevant non-governmental organisations or local administrations.

	of the relevant monitoring mechanisms		
Result 2			
The Network of institutions and stakeholders active in each Beneficiary on the protection of minorities is established.	<p>Quality de-briefing papers, guidelines, conclusions available</p> <p>Continued active participation in the meetings by heads and staff of relevant bodies;</p> <p>Regular meetings of the Network; training or awareness-raising events, exchange of experience, cross-institutional visits etc.</p> <p>Increased international or regional visibility by virtue of the activities of the Network, including new requests for invitations to those events;</p> <p>Network Newsletter is issued electronically informing the members of the Network of activities and institutional or other developments pertaining to their work;</p> <p>A section of the Council of Europe's web site dedicated to the project, the Network and the activities run under it.</p>	<p>Network meeting reports;</p> <p>De-briefing papers and other documentation;</p> <p>Annual reports of the member institutions making reference to the Network;</p> <p>CoE reports;</p> <p>The Network Newsletter.</p> <p>CoE websites and network/project-devoted parts of them</p>	<p>Will of the national bodies to be part of the network;</p> <p>Will to make use of the network and to see it evolve.</p>
Result 3			

<p>The members of the network have access to documentary resources of common interest relevant to their mandate and in the relevant languages.</p>	<p>Materials developed on substantive issues relevant to the work of the Network members and related to the key CoE instruments</p> <p>New handbooks developed, and translation of existing relevant publications regarding minority protection, applicable ECtHR and ECJ jurisprudence.</p> <p>Training materials developed, including E-learning tools:</p> <p>Instruments, cases, decisions, materials, reports translated and published in the necessary languages;</p> <p>Compendium prepared extracting and synthesising best practices as identified through the work of the Network.</p>	<p>The various materials and publications produced:</p> <p>Records of distribution;</p> <p>The Network Newsletter.</p>	<p>Availability of translators and printing facilities;</p> <p>Users and beneficiaries have internet access.</p>
----------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------

ANNEX II: amounts (in €) Contracted and disbursed by quarter for the project

Contracted	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1
Contract 1.1	3 600 000													
Cumulated	3 600 000													
Disbursed	2011 Q4	2012 Q1	2012 Q2	2012 Q3	2012 Q4	2013 Q1	2013 Q2	2013 Q3	2013 Q4	2014 Q1	2014 Q2	2014 Q3	2014 Q4	2015 Q1
Contract 1		1 440 000							1 440 000					720 000
Cumulated		1 440 000							2 880 000					3 600 000

**

ANNEX III: Description of Institutional Framework

Promoting human rights and protecting minorities rights feature as a high political priority for all Beneficiaries covered by this project in their European Union perspective. The project will target public authorities, primarily ministries related to minorities and human rights, as well as other line ministries, local authorities and independent institutions.

The following is an indicative list of the main target authorities as well as other partners:

In Albania

- Ministry of Labour, Social Affairs and Equal Opportunities,
- State Committee for National Minorities
- Commissioner for the protection against discrimination
- Ministry of Culture
- Ombudsman

In Bosnia and Herzegovina

- Ministry for Human Rights and Refugees
- Council of National Minorities within the Parliamentary Assembly of BiH
- Council of National Minorities within the Parliamentary Assembly of Republika Srpska
- Council of National Minorities within the Parliamentary Assembly of Federation
- Ombudsman

In Croatia

- Office for National Minorities within the Government
- Government Office for Human Rights
- Committee on Human and National Minority Rights, Croatian Parliament
- Ministry of Health and Welfare
- Ministry of Economy, Labour and Entrepreneurship.
- Ombudsman

In Montenegro

- Ministry for Human and Minority Rights Protection
- Ministry of Education and Science;
- Ministry of Internal Affairs and Public Administration;
- Ministry of Culture, Sports and media
- Ombudsman

In Serbia

- Ministry for Human and Minority Rights,
- Ministry of Labour and Social Policy;
- Ministry of Education
- Commissioner for Equality
- Ombudsman

In the former Yugoslav Republic of Macedonia

- Secretariat for Implementation of the Ohrid Framework Agreement
- Ministry of Labour and Social Policy
- Ministry of Justice
- Agency for protection of the minorities represent with less than 20%

- Ombudsman
- Inter-Community Relations Committee, Assembly of Republic of Macedonia
- Minister without portfolio, National Coordinator of the Roma Decade
- Directorate for Development and Advancement of the Education on the Languages of the ethnic communities (Ministry of Education and Science)
- Directorate for Promotion and Advancement of the culture of the ethnic communities (Ministry of Culture)

In Kosovo

- Advisory Office for Good Governance/Office of the Prime Minister,
- Ministry of Public Administration
- Ministry of Community and Return
- Community Consultative Council
- Ombudsman

Where applicable, National Councils of National Minorities will also be involved in the project.

ANNEX IV: Reference to laws, regulations and strategic documents

The work under the project will be based solidly on the Council of Europe monitoring sources and convention mechanisms. The linkage with the findings and recommendations of those bodies will ensure the coherence of the project activities and outputs vis-à-vis the applicable European values and standards.

The Council of Europe has in place a number of mechanisms and institutions dealing with minority protection. As far as treaty instruments are concerned, this concerns first of all the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In the field of minorities, the key instrument is the 1998 Framework Convention for the Protection of National Minorities, and the Advisory Committee responsible for monitoring its implementation. This is a milestone instrument under international law, and as a result of the work carried out by the Advisory Committee there is a wealth of concrete information available in respect of the Beneficiaries and the shortcomings concerning implementation of national and international standards and current obstacles to full compliance. This information will be a key resource for the project.

The European Charter for the Protection of Regional or Minority Languages (ECRML) is the Council of Europe instrument focusing specifically on the promotion and protection of minority languages. Other relevant sources of information, expertise and rights-specific information for the project will be the European Commission against Racism and Intolerance (ECRI). The work under the project will be also based on the European Charter of Local Self-Government, European Convention on Transfrontier Co-operation between Territorial Communities or Authorities as well as the Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

The particular added value of the Council of Europe in the field of minority protection is the unique combination of standard-setting work, monitoring mechanisms and project implementation. The Council of Europe also has at its disposal advisory and awareness-raising bodies such as the Venice Commission as regards constitutional issues and the Human Rights Commissioner as regards human rights awareness-raising, and human rights diplomacy and dialogue.

An additional dimension for the work of the project will be the debates, reports and recommendations of the Parliamentary Assembly of the Council of Europe. In addition to the information and guidance coming out of the Assembly itself, the presence of national parliamentarians from the Beneficiaries as members of the Assembly could be a useful bridge for the project as regards developments within the national legislatures.

Thanks to the fact that the majority of the Beneficiaries are member States of the Council of Europe (with the exception of Kosovo, where, however, arrangements are in place for the application of the Framework Convention for the protection of National Minorities), the Council of Europe has a well-established relationship with the relevant authorities and institutions. Through previous and on-going technical assistance projects, the Organisation has firm contacts in place with all the Ombudsman institutions concerned, and with many of the potential NGO partners. These relationships predate the present project and are expected to continue after the completion of the project, and this should contribute to creating the conditions for ownership and sustainability.

Relevant laws, regulations and strategic documents related to integration of minorities at the level of Beneficiaries include:

Albania

- Albanian Constitution (1998), Art. 18
- Law on antidiscrimination (2010)

Bosnia and Herzegovina

- BiH Constitution Art III, 4. + Art II, 2: reference to the international HR regulations: 'The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These shall have priority over all other law.'
- Law on the Protection of Minority Rights 2003, provisions on proportional representation of minorities in executive and judiciary + public services: VIII, 19 + 20 (Arts 21-23 on National Councils of Minorities), provisions on minority language use: III, 11 + 12, provisions on education IV, 13 + 14. + informing in minority languages 15+16; culture 17.

Croatia

- Croatian Constitution, Constitutional Law on the Rights of National Minorities
- Law on Education in Languages and Scripts of National Minorities (2000)
- Law on the Use of Languages and Scripts of National Minorities
- The Anti-discrimination Law (2008)

Montenegro

- The Constitution of the Republic of Montenegro (2007), Art. 25.
- Law on Minority Rights and Freedoms in Montenegro
- Law on anti-discrimination (2010)
- Strategy on Minority Policy adopted in July 2008

Serbia:

- Serbian Constitution (2006) Art 14.
- Law on the Protections of the Rights and Freedoms of National Minorities
- The Law on National Councils of National Minorities (2010)
- Law on the Prohibition of Discrimination 2010
- The Law on the Election of People's Deputies (MPs) stipulates that the 5 percent election threshold shall not apply to national minority parties, in the context of proportionate election for participation in the distribution of seats in the Republic of Serbia National Assembly.
- The education laws of the Republic of Serbia lay down three aspects of education for persons belonging to national minorities: (education) in the minority language; bilingual education; and studies of the subject of mother tongue with elements of national culture.

“The former Yugoslav Republic of Macedonia”

- Law on free legal aid (2009)
- Law on use of the languages (2008)
- Strategy for integrated education (2010)
- Strategy for Roma in the Republic of Macedonia (2004)
 1. Action Plan on housing
 2. Action Plan on employment
 3. Action plan on education
 4. Action Plan on health-care system
 5. Action Plan on advancement of the social status of the Roma women,
- Constitution of the Republic of Macedonia (1991)
- Law on prevention and protection against discrimination (2010)
- Strategy for Equitable Representation of the Members of the Non-Majority Communities (2007)

Kosovo

- Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo
- Law on the Use Languages
- Law on Freedom of Religion
- The Anti-discrimination Law

ANNEX V: Details per EU funded contract

The Project will be implemented by the European Commission in joint management with the Council of Europe following Article 53d of the Financial Regulation and the corresponding provisions of the Implementing Rules. To this end, the European Commission will sign a Contribution Agreement with the Council of Europe at the latest in Q4 2011 for 36 months.