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**ADDRESSING RIGHTS OF INDIVIDUALS
FROM NATIONAL MINORITIES:
THE COMMUNITY ADVOCATES
PROGRAMME**

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by

Mary Picard, Ph.D.
Middle East and Europe
Regional Management Unit (MERMU)
CARE International
Cairo, Egypt

Barbara Davis
Program Manager
Community Advocates Programme
CARE International in Serbia and
Montenegro

The views expressed in this paper are those of the authors and do not represent in their entirety the views of CARE International.

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INTRODUCTION

This paper elaborates one project's application of CARE International's rights-based approach to development and critically reflects on how this application does or does not carve a particular role for an international NGO to address human, social and economic rights as a fundament to its work in poverty alleviation and social justice. CARE programs typically serve the most vulnerable and disenfranchised populations around the world. What distinguishes this particular case study from others in CARE is that this project, which targets a minority group for whom human rights violations are endemic (in this case, the Romaⁱ in Serbia), is specifically designed to support compliance with human rights standards and instruments, such as the Framework Convention for the Protection of National Minorities,ⁱⁱ or the human and minority rights requirements that are part of the pre-accession process for European Union membership. The funding for the project is from the EuropeAid/ European Initiative for Democracy and Human Rights (EIDHR) initiative to combat racism, xenophobia, and discrimination against minorities. In short, this attempt at rights-based programming is strongly mandated by its funding, programmatic and operational contexts, a privilege not applicable to most development programs in CARE.

CARE International in Serbia and Montenegro is using these contextual advantages to seek rights-based solutions to the poverty and disenfranchisement of the Roma. Designed to protect and promote human rights and the rights of individuals belonging to the Roma national minority in Serbia, the program recruits and trains *community advocates* from the Roma settlements and urban neighborhoods to act as a bridge between the poor not served by state services or other dutybearers.

This paper consists of the following sections: (a) a brief description of the current status of efforts in Serbia to address rights of members of the Roma national minority, including political and legislative measures as well as shortfalls; (b) the role played by Roma civil society in addressing their rights, past and present; (c) elements of a rights-based approach in the Community Advocates Program and the gaps it is able to fill; and (d) whether or not there is a future role for international development organizations in rights programming.

The poor, marginalized, and vulnerable have always been the focus of CARE International, a global relief and development organization operational since World War II. In its more than 50 years of development assistance, CARE has evolved approaches to combating poverty and social injustice, assimilating the best practices and wisdom from the field as well as from the development community generally. As it is beyond the scope of this paper to elaborate on the changes in approach over the course of CARE's history, the authors will focus on its more recent adoption of and commitment to rights programming. Although Country Offices around the globe are still in an early phase of experimenting and innovating with rights-based approaches, this direction is guided by the conceptual thinking that the fulfillment of human rights is highly relevant to eradicating poverty. A rights-based approach, in CARE's view, exposes the root causes of vulnerability and marginalization and recognizes that poor, displaced, and war-affected people have inherent rights essential to livelihood security, rights that are validated by international law.ⁱⁱⁱ CARE will have greater impact and be more effective as a relief and development organization by taking a deeper and broader view of poverty, i.e., addressing root causes and not merely the symptoms. It is felt that the conditions of life of the poor and marginalized will persist so long as their human rights go unfulfilled. A more in-depth explanation of CARE's new direction towards rights-based programming and its evolution is elaborated in the conference paper "Putting Rights-Based Development in Context: CARE's Programming Approaches in Malawi and Bangladesh," by Bode et al.

STATUS OF EFFORTS IN SERBIA ON RIGHTS^{iv} OF THE ROMA NATIONAL MINORITY

Conditions of the Roma Minority in Serbia

The situation of the Roma illustrates the relationship between their vulnerability and the socio-economic marginalization that denies them their basic rights. Living conditions of many Roma communities in southeastern Europe are comparable to the worst slums in developing countries. UNDP reports that "...[f]our to five million people in the region endure living conditions close to those of sub-Saharan Africa in terms of illiteracy, infant mortality and malnutrition..."^v The Roma in Serbia

are disadvantaged in all spheres of life, but their situation in the areas of employment, education, health, housing and access to identity documents (particularly by internally displaced persons or IDPs) is of particular concern.^{vi} Selected aspects of their conditions of life follow:

- Education – Approximately 45 percent of Serbia's Roma population is under the age of 20. More than half of Roma children still do not attend school regularly. Over 60 percent never finish elementary school. Eighty percent of Serbia's Roma are illiterate or functionally illiterate.^{vii} The absence rate of school-age children from Roma families with no permanent residence is extremely high.^{viii}
- Employment - Serbia's Roma are six times poorer than the average population in Serbia, and their unemployment rate is twice the national average. Ninety percent of those employed are unskilled workers.^{ix} According to the Republic of Serbia's *PRSP*, "The socio-economic status of the Roma is characterized by a low rate of economic activity that has seen no improvement in the past fifty years and an unemployment rate that is four times as high as that in the majority population."^x In its report to the Council of Europe ("COE") under the Framework Convention for the Protection of National Minorities, the Government of Serbia and Montenegro observed that the low economic activity level of the Roma is "the consequence of their lack of social and economic development, prejudices among employers reluctant to hire them, and demographic factors (the Roma population is extremely young and the labor active population aged 15+ accounts for 58.3 percent)."^{xi}
- Health –Poor general knowledge of health and hygiene issues is compounded by limited reliance on the health care system, scant trust in health care providers and little appreciation of their rights in accessing public health care services. Roma children are often not immunized, most Roma women do not visit a gynecologist except for childbirth, and most serious health cases go untreated when diagnosed.^{xii}
- Housing – A statistically significant percentage of the Roma population lives in settlements in which conditions are under the minimum of housing standards.^{xiii} Poverty-stricken settlements, concentrated in urban areas, are shantytowns with poor to non-existent public utilities. Structural poverty and the effects of over a decade of armed conflict in the region combine to create what a government-NGO study called "extreme misery among the majority of Romany population which is drastically manifested in the organization and way of life in their settlements."^{xiv}
- Access to identity documents – The lack of basic identification documents leaves many in Serbia marginalized institutionally, since without identity documents, a person cannot access basic social services or humanitarian assistance distributed by the state. This affects IDPs and especially Roma who historically have not registered births, marriages and other identity events, in part because of suspicion of state institutions.^{xv} Serbia's cumbersome administrative procedures, conflicting State Union and republic-level laws, undefined institutional accountability where IDPs are concerned, municipal variances and lack of political will to address identity documents issues have so far ensured that there is no legal mechanism for the chronically unregistered to become registered.^{xvi} While the actual number of Roma in this situation is not known, the Norwegian Refugee Council estimates that approximately 30-35 percent of Roma have never been registered at all.^{xvii}

All these problems contribute to a vicious cycle of poverty whereby access to basic services is hindered by the lack of identity documents, and the lack of education and legal protection adversely affect employment opportunities. A survey of activists in 34 Roma community-based organizations reported that the Roma refer to a "collective inferiority complex" that arises out of their deprivation, misery, and the attitude of the majority population that does not respect their rights. The often negative attitude of Roma adults towards education, their loss of identity, and a common apathy towards politics also limit their prospects for breaking the cycle of poverty they face from generation to generation.^{xviii}

The Political and Legislative Context

Accepting the necessity to view poverty in the context of rights, the potential to fulfill individual and collective rights must be examined more closely. In what political and legislative environment do Roma in Serbia try to realize their rights?

Every wave of ethnic cleansing, social upheaval, violent conflict, economic collapse that swept the Balkans during the regime of Slobodan Milosevic first, and most acutely, affected Roma communities.

With the removal of Milosevic in October 2000 and creation of a democratic coalition government under Prime Minister Zoran Djindjic in January 2001, optimism reigned in majority and minority communities: Serbia's years of war, manufactured hatred and nationalism were over. International isolation over the Kosovo conflict and after the 1999 NATO campaign ended, and the international community embraced the new government with financial and technical assistance. It was expected that specific legal instruments, policies and institutions would be created and given political support to address issues in human rights and the rights of individuals belonging to national minorities, including members of the Roma national minority. Partnerships of government and civil society were envisioned at all levels, in particular to combat poverty.

The optimistic period did not last long. The coalition that had unseated Milosevic was deeply divided, and political instability followed, culminating in the March 2003 assassination of Prime Minister Djindjic. The optimistic period left a normative legacy for the protection of human and minority rights. In February 2002, the Law on Protection of the Rights and Freedoms of National Minorities was passed by the parliament of the then-Federal Republic of Yugoslavia and undertaken as an obligation of the newly-created State Union of Serbia and Montenegro (SCG). A Charter on Human and Minority Rights and Civil Liberties was incorporated into the creation of the State Union, enshrining international standards. Although continuing disagreement between the republics of Serbia and Montenegro ensured that State Union-level bodies, if formed at all, remained weak,^{xxix} the Djindjic government began broad reform initiatives. These included developing a strategy for poverty reduction and measures to improve integration of members of national minorities.^{xxx}

After Djindjic's assassination, political struggles paralyzed social reform. Serbia's parliamentary elections in December 2003 led to creation of a minority government under Prime Minister Vojislav Kostunica in spring 2004. The new government froze many reform measures, including planning to implement the PRSP, and pledged to dismantle reforms in education, including those that had strengthened the involvement of minority communities in curriculum. The tenuous new government could not always agree on division of patronage in local outposts. In a system that functions on customary ties or "connections," interlocutors kept changing. Serbia underwent perpetual elections between spring 2003 and summer 2004: parliamentary, three presidential (different candidates every time, six rounds) and two local rounds in which nationalist and former Milosevic regime parties made substantial gains.

The unstable environment was favorable and unfavorable to members of the Roma national minority. Roma voters were courted by all sides: new "connections" and promises were made, token humanitarian assistance was delivered, water and electricity were less frequently cut off to settlements with utilities, some Roma candidates made it onto party slates (nearly always toward the bottom). With predicted low general turnout in local elections, a well-organized Roma party effort stood a chance of making the 3 percent-of-turnout threshold for city or ward council seats; none made it.

Institutional and Legislative Achievements and Their Shortfalls

In Serbia, then, instability is the result of several simultaneous processes. The state in which Serbia and Montenegro are located is still inventing itself and will continue to do so until demands for independence of Montenegro and Kosovo are resolved. Serbian social, political and economic institutions are in constant flux, reflecting deep divisions in society as a whole; most institutions are dysfunctional or barely functional. The formal patronage system that staffs so many of Serbia's services depends on agreement among ruling parties, but after the assassination of Prime Minister Djindjic no party or coalition has been able to retain power for long. Informal customary "connections" function when institutions do not. In this unstable environment, arbitrary treatment is the rule. It is not surprising, then, that institutions designed during the "optimistic" period to protect the human rights and collective rights of members of national minorities have not yet managed to fulfill their promise:

- The Law on Protection of the Rights and Freedoms of National Minorities has not been followed by funding for the bodies envisaged in the law.^{xxxi}
- Neither the State Union nor the Republic of Serbia has passed an anti-discrimination law.^{xxii}
- Serbia has not passed the draft law that would create an office of the Ombudsperson.

- The Roma National Council, a body envisaged by the Law on Protection of the Rights and Freedoms of National Minorities, was created with the support of the OSCE on 23-24 May 2003. The National Council "represents the national minority in the areas of official use of language, education, information in the language of the national minority and culture....The Council may address the bodies of government [at state, provincial and local levels] in connection with all questions that affect the rights and situation of the national minority."^{xxii} The 35-member Roma National Council includes representatives resident only in Serbia proper. Only two of its members are women. It has divided into factions that effectively stalemate each other and has yet to develop a working relationship with Roma community-based NGOs.
- A *Draft Strategy for the Integration and Empowerment of Roma*, prepared with the assistance of the OSCE in December 2002, was adopted by the Roma National Council in May 2004 after extensive debate involving Roma civil society and government ministries. It has not yet been approved by state authorities, since there are different ideas as to which state body should approve it.
- At the level of the State Union, a Secretariat for Implementation of a National Strategy for the Integration and Empowerment of Roma was founded with the support of the OSCE, UNHCR and COE after the *Draft Strategy* was completed. The Secretariat experienced resource shortfalls and strains developed in its relationship to the Roma national minority.
- A strategy to serve the educational needs of the Roma national minority was developed by the Serbian Ministry of Education and Sport and presented to the public, with support from the COE, in December 2003. In early 2004, with formation of the new government, the ministry promoted "Serbian education" /*srpsko obrazovanje*. In late 2004, as the Decade of Roma approached, the strategy was revived.
- A strategy for poverty reduction was developed by the Ministry of Social Affairs, together with civil society and international organization actors, and adopted in autumn 2003. The status of the PRSP under the new government is not clear. A parliamentary committee has called the document into question, but a "Working group on poverty reduction" exists, made up of individual officials and representatives of international organizations.

As is evident from the actions described above, international governmental actors have also played a role in efforts to promote and protect the rights of individuals belonging to the Roma national minority in Serbia. The dialogue between the State Union and the COE Advisory Committee under the Framework Convention process helps shape compliance mechanisms and monitors their functioning.^{xxiv} Protections under the Framework Convention, however, do not guarantee freedom from discrimination or access to all rights to which an individual (who defines him/herself as a member of a national minority) is entitled. The EU Stabilisation and Association process sets political, economic and rule of law benchmarks, or "priorities," and these, like on-site interventions of OSCE/ODIHR representatives, have a more immediate effect on policy than the Framework Convention process.^{xxv}

On 1-2 February 2005, the World Bank and the Open Society Institute ("OSI") "Decade of Roma" (the "Decade") formally begins. This is a formidable incentive, as states participating in the Decade are expected to produce, ratify and fund (at least in part) implementation of action plans in the areas of education, economic development, housing and health. Donor conferences will be held to help states finance implementation. In late 2004, Serbia created bodies to promote the Decade's agenda. A new, activist director of the Secretariat for Implementation of a National Strategy for the Integration and Empowerment of Roma was appointed. The Government of Serbia named a secretariat to form a "National Council of National Councils of National Minorities." Coordinated by the World Bank and local Fund for an Open Society,^{xxvi} working groups from line ministries, the Roma National Council and Roma civil society drew up action plans for each of the sectors included in the Decade.

Still, recent measures to prepare for the Decade are insufficient to confront widespread discrimination or to adopt, embrace and implement longstanding strategies for poverty reduction and for integration and empowerment of Roma. In an unstable climate fraught with discord, the state has acted -- always in partnership with international governmental organizations -- to create what have proven to be weak

institutions to promote and protect affirmatively the rights of national minorities. Perhaps more significantly, the state has not reacted aggressively to investigate and punish acts of violence and incitement of national/ethnic hatred.^{xxvii} It is clear that the state needs to be held accountable. It is also clear that the promotion and protection of human rights and the rights of individuals belonging to national minorities can benefit from a partnership between state authorities and civil society, with special emphasis on the civil society within minority communities.

THE ROLE PLAYED BY ROMA CIVIL SOCIETY IN ADDRESSING THEIR RIGHTS

The Roma have been active in Balkan civil society since the mid-1800s. Yet little political space has been open to Roma, except in new, sometimes ad hoc bodies created to promote minority rights. Civil society may offer better opportunities to widen the political space for Roma and to ensure that new laws are implemented and new institutions function to promote and protect human rights and the rights of individuals belonging to national minorities.

Organized movements within the Roma communities represented in Serbia began in the mid-19th century, coinciding with self-determination initiatives throughout the Ottoman and Austro-Hungarian empires.^{xxviii} By the early 20th century, Roma civil society included organizations devoted to preservation of traditions, sport clubs and women's associations. Professional associations advocated for better wages and conditions; among these was the Guild Association of Blacksmiths founded in Niš in 1909, all of whose members were Roma. During WWII, Roma in Serbia as elsewhere in Europe were victims of Nazi extermination camps; others participated in Yugoslavia's antifascist movement. Postwar socialist Yugoslavia aggressively pursued a policy of "brotherhood and unity." Antinationalist policy, industrialization, massive public works, universal education, health care and a functioning social service system combined to create a climate of better opportunity for Roma in Tito's Yugoslavia. Tito's foreign policy of nonalignment, launched in the 1960s, promoted "multiculturalism" before the term was coined; Yugoslavia's media and popular culture celebrated diversity. At the first World Roma Congress in 1971, the poet Slobodan Berberski from Yugoslavia was elected as president. Many associations formed in Yugoslavia during the late 1960s and 1970s with a special emphasis on cultural activities. Umbrella organizations formed at this time, and a Roma intellectual and professional elite developed.

Twenty years later, a chasm separates the generation that grew up under Tito and the one that grew up under Slobodan Milosevic. Roma society in this regard mirrors the experience of the rest of Serbia. The growing strength of Roma civil society led, in 1990, to formation of the Union of Roma of Yugoslavia. The Union, however, has failed to integrate Roma associations. By 1991, war and ethnic cleansing had begun. The Milosevic years brought violence, poverty, criminality, corruption, isolation and social desperation on such a massive scale that the regime pervaded every aspect of daily life. The defining element of all civil society, including Roma civil society, was whether the organization and its members were for or against the regime. Donor policy was a factor, as the same external donors that funded human rights and humanitarian efforts in Roma communities also openly funded political opposition to Milosevic. Many, but not all, Roma leaders participated in the opposition to Milosevic. The (in)adequacy of the "reward" is still the subject of heated debate; with the defeat of Milosevic in October 2000, no Roma entered parliament or the government of Serbia. The institutional structures described above were created and in 2002, Roma finally attained the legal status of an official national minority. The enduring legacy, however, is the "politicization" of Roma civil society in Serbia; not only do activists and NGOs call for systemic change on issues of social justice, but they have developed mechanisms to survive in the political-party-driven instability described above.

During 1998-2000, the peak period of external funding of civil society, the number of NGOs and variety of their activities increased in Roma communities.^{xxix} According to community activist, local elected official and CARE partner Osman Balić,

Within only two years, there were more achievements than during the 48 years after WWII... Through NGO activities we proved to government that the problems of Roma can be solved more quickly and more efficiently... Will the state have the will and the money to take up and continue the projects in which Roma NGOs and international donors have participated? Until we get an answer and a reaction from the state, Roma NGOs and other NGOs that deal in issues that affect

Roma should intensify their work and cooperation with the goal of broadening this nascent activism and awakening the Roma settlements ... that are lagging behind.^{xxx}

If Roma civil society is to hold the state accountable, Mr. Balić argues, changes must occur *within* Roma communities:

We have to change the structure of Roma organizations, that is, adapt them to the fundamental changes that have occurred in society. These changes include increased independence of NGOs, changes in hierarchical relations and subordination, economic sustainability and the broad democratic rights of an NGO. Local Roma [political and customary] leaders and the directors of NGOs must reach agreement on what constitutes an organizational structure.^{xxxi}

His views are widely shared, especially by the younger generation of Roma activists, among whom Roma women have been outspoken on this issue.^{xxxi} They want to change the situation within the Roma community *and within Serbian society as a whole* in which civil society and political leadership have been keenly and destructively competitive; democratic relations poorly developed among or within organizations; and, in many cases, internal sustainability rare. Serbia's Roma are divided by language (Romani, Serbian, Albanian, Romanian, Hungarian or German may be an individual's first language); custom; religion; the specific character and very different experiences of the cities, even neighborhoods, in which they live; the political affiliations that affect Serbian society as a whole; literacy and educational level; economic level; status as domicile, refugee, IDP or failed asylum seeker. Members of the community further develop opinions about each other on matters of assimilation vs. integration. The Roma population is so diverse in and of itself that finding common ground is extremely difficult. The difficulties experienced so far inside the Roma National Council – let alone in its relationship with Roma civil society – demonstrate this. Nevertheless, as the Decade dawns, recognition of the need for consensus is growing. As will be seen in the next section, CARE's Community Advocates Program has been a positive example of reaching and maintaining consensus among its four Roma partner organizations such that it attracts others to act in coalition.

Understanding that there is a need for a common voice is just a beginning. It has been and remains a challenging first step within Roma civil society in Serbia. Taking the step requires confronting traditional authoritarian relationships. It calls for agreement to disagree and setting aside the competitiveness that has so far ensured organizations' and individual activists' survival. It is even more challenging, given the low baseline level of democracy in society as a whole.^{xxxi} If organizations and their members can take that first step, another challenge awaits them: what will that common voice say?

Roma civil society, its leadership and Roma communities as a whole have a shared understanding of the desperate situation in which Roma live. For years, NGOs have served as the means to distribute humanitarian aid in settlements, for which NGOs have offered to survey humanitarian needs. As a result, Roma community-based NGOs have a detailed understanding of day-to-day developments in settlements. Another shared understanding is the experience of discrimination. Neither of these, however, necessarily translates into a rights-based approach, especially in the Serbian context. For nearly 15 years, the Milosevic regime promulgated propaganda of victimhood^{xxxiv} and so successfully reached the captive media audience that, even today, four years after regime change, the national platform for the state mental health service catalogues the sufferings imposed upon the people of Serbia and does not mention the concept of responsibility. Public discourse still supports a culture of victimhood and, in that context, the struggle against poverty and especially discrimination must approach human rights from an affirmative perspective. The traditional approach, with its focus on violations, must be combined with aggressive prevention.

Led by the European Roma Rights Center ("ERRC") and the local organizations Centar za manjinska prava/Minority Rights Center and Fond za humanitarno pravo/Humanitarian Law Center, focus on violations has so far dominated the approach to human rights in Serbia. Those organizations acknowledge that, in the absence of institutions and with a dysfunctional judicial system, violators are rarely, if ever, brought to justice and, as described above, arbitrariness prevails over rule of law. Local NGOs have succeeded in obtaining some court judgments in cases involving violations committed against Roma, but enforcement has been rare, and this has discouraged individuals from bringing claims with which the NGOs can assist.^{xxxv} Submissions by these NGOs have led to action by international human rights bodies on violations that took place in Serbia and Montenegro. So far,

however, focus on violations. i.e., on condemnation and litigation, has had limited success in changing policy and practice without the support of international actors. When the situation of human rights for individuals belonging to national minorities in Serbia is high on the political agenda of the European Union and US, then normative change happens, as described above -- but international capacity for monitoring the implementation of new law is limited.

The leadership of Roma community-based NGOs throughout Serbia has participated in human rights training; the 35 members of the Roma National Council have attended lectures conducted by the OSCE. A few Roma leaders who know English well – roughly ten persons -- have had much greater opportunities than those who do not, since many opportunities for education on human rights and minority rights are made available outside the country by international organizations that run programs in English. In-country rights training programs have been available in Serbia for over a decade and are offered by highly professional local organizations. The training for the most part is designed to familiarize local NGOs with international standards and mechanisms^{xxxvi}; the programs are not, however, adapted to an audience with little formal education and, with few exceptions, provide little guidance on how to make human rights interventions in the domestic context. Although some in-country rights training has included Roma participants, the low level of interaction between majority civil society and Roma civil society has limited access and exposure. Representatives from Roma civil society are not usually included in (which generally means are not invited to) events unless the topic specifically addresses the situation of national minorities.^{xxxvii} This is mirrored in broadcast and print media where, with extremely rare exceptions, Roma *never* appear on any issue except the situation of Roma. The result is, at best, compartmentalization; at worst, ghettoization.

The next section describes how CARE's Community Advocates Program, in its design and adaptability to a range of problems, has confronted some of the challenges mentioned above, among them the divisions within Roma civil society and need for common ground, poorly adapted rights training resources, limited interaction between Roma civil society and the mainstream, and a popular culture of victimhood.

ELEMENTS OF A RIGHTS-BASED APPROACH IN THE COMMUNITY ADVOCATES PROGRAM

As much has been written in more general terms about CARE and its efforts to undertake rights-based programming,^{xxxviii} this section will focus directly on the experience of this particular project. The Community Advocates Program is co-funded by EuropeAid/EIDHR and CARE Deutschland to combat racism, xenophobia and discrimination against minorities. The 2.5-year program strives to promote Roma integration. A goal like this targets the roots of extreme poverty and gives latitude to CARE, its partners and the client population to explore solutions beyond the immediate needs of the poor and even beyond capacity-building of project participants themselves; it necessitates the engagement of state and non-state dutybearers to change their discriminatory behaviors and to provide equitable treatment that respects the dignity and rights of the Roma.

The project does not focus on any single category of rights of the minority population. Instead, its practical approach reflects the interdependence of rights, operating “from the ground up,” facilitating access of people in settlements to state and non-state actors. By creating a cadre of 32 Community Advocates from Roma settlements and urban neighborhoods, the project intervenes neither exclusively at the grassroots level nor at the meso or macro level but at the interface of the two. Operating at this juncture invites an open and unlimited range of activities into the purview of the Community Advocates. They visit settlements, react to immediate problems on site, assist in the resolution of individual or collective problems in access to services, disseminate information on the importance of and access to identity documents, consult with local officials on policy matters affecting Roma communities, hold information sessions on issues of relevance to women and youth, help enroll children in school and stay in school, and so forth.

At the same time, this juncture represents another key interface: which is the relationship between the Individual and Authority. The program empowers *members* of a poor and marginalized group to promote, protect and claim their individual human, social and economic rights and their collective minority rights. CARE and its CAP partners share a commitment to hold state and nonstate actors responsible for fulfilling rights to which individuals and national minorities are entitled, as well as to hold them accountable when rights are violated or denied. In their day-to-day mediation between settlement residents and officials, Community Advocates challenge the treatment Roma receive in

state institutions, i.e., the treatment of Roma as *objects* of the state. Their work in Nis, for example, has resulted in a 40 percent drop in the number of special interventions by local administration staff in the settlements because advocates have been resolving problems on site and have helped settlement residents learn to navigate local bureaucracy. When the issue at hand is too large and complex for mediation on the basis of individual cases, e.g., burdensome identity document regulations, CAP partner organizations work in coalition to advocate measures to respect rights.

Operating at the interface between the grassroots and the more macro level as well as between individual and dutybearer has enabled CAP to confront significant issues. It entails diverse strategies to address discrimination and exclusion. These are described in the sections below.

Building Consensus and Finding Common Ground through Principled Partnership

CAP has relied on principled partnership with grassroots organizations in poor and marginalized communities to create a shared commitment to systemic change.^{xxxix} Each element of the approach – management, implementation, even donor reporting – can model human rights principles and serve human rights objectives. The project depends on negotiated collective agreement, brokered by CARE's project team, to overcome impasses and move implementation forward.^{xi} Many Serbian NGOs have come to expect top-down direction from international donor/implementers, so user-driven programming was, at the outset, unfamiliar and confusing. International donors/implementers in Serbia had for the most part worked with Roma associations to deliver humanitarian aid. Previous capacity-building programs involved association leadership, not rank-and-file.

The partnership agreement takes on special importance in a project that by its nature promotes legal standards and calls upon those standards to reflect respect for rights. The political and legal environment in Serbia is also a determining factor. In creating an instrument that governs formal partnership relations, CAP partners took into consideration the need (a) to convey missions and shared values and goals; (b) to enshrine and codify the principle of consensus decision-making; (c) to contend with the legal situation of international and domestic NGOs; and (d) to function as securely as possible in a sensitive and unstable political environment. Given the instability of Serbia's governance, the vulnerable legal situation of NGOs, the vulnerable political situation of human rights advocacy and the delicate balancing required to establish and maintain consensus, the partnership agreement extends all principled support and domestic law protections possible.

The notion of principled partnership extends beyond project partners. CAP maintains an attitude of openness towards state and nonstate actors to contribute, participate, observe, or engage; it does not exclude or compete. For example, divisive competition for scarce resources among Roma community-based NGOs in Kragujevac had all but paralyzed implementation of humanitarian and development projects in that city. In October 2003 CAP's partner organization and the CARE team brokered the "Kragujevac Agreement" in which all but one Roma community-based NGO agreed to cooperate on joint actions. The agreement was unveiled at a public assembly convened by Community Advocates with representatives from the NGOs and local administration.^{xii} It led to efforts by the NGOs to keep open collective centers for IDPs, promote school enrollment and improve access to social services.

It seems obvious, but principled partnership acknowledges that CAP partners have relationships and commitments outside the project. Donor/implementers working with the same Roma community partners can coordinate and complement each other. For example, supported by the OSI, local expert teams in Nis and Kragujevac developed strategies to improve the education of Roma in those cities. Local CAP partners and Ministry of Education officials worked together to prepare the strategies, and Community Advocates participated in the research. However, the end of the OSI project and anti-reform policy in the new Ministry of Education jeopardized adoption of the strategies. Lobbying efforts by CAP partners included the Community Advocates' campaign to promote school enrollment, parent meetings and networking with education activists nationwide. Nis and Kragujevac officially adopted the local strategies for education of Roma in autumn 2004.

Principled partnership has also made it possible to develop a close working relationship with EC representatives in Serbia, such that the EC can intervene when human and minority rights issue arise in the field. The Delegation has been quick to react where the right to association is concerned, paying special attention to measures that impede the ability of NGOs to function and addressing these

in S&A priorities. Local Delegation officials have used the occasion of CAP events to send strong messages to the State Union and Serbia on the situation of Roma.

Defending Rights through Advocacy and Coalition Building

By finding common ground and making their voices heard, Roma civil society in Serbia will be able to hold the state accountable. As Mr. Balić and others argue, this can even have implications on an international scale.^{xiii} For example, in summer 2004, while making door-to-door rounds, Community Advocates in Belgrade and Nis learned that residents of two settlements, over 400 people, had received notices that their settlements on city land would be razed. In both cities, advocates helped the residents formulate and present their concerns to local officials, arranged meetings with local officials, mobilized a coalition (and, in Belgrade, IGOs) to support the settlement residents and succeeded in stopping demolition. In Belgrade, the demolition order coincided with the last days of a fiercely-contested mayoral campaign between the nationalist Radical Party and the Democrat incumbent. The advocates' quick work on the eve of elections probably prevented street unrest and violent incidents against Roma like those that had occurred in Belgrade two years earlier. Given that international actors catalyze local action, the lobbying effort in Belgrade snowballed: IGOs and embassies internationalized municipal housing issues – the right to shelter – in their dealings with the Republic of Serbia on those most likely to be homeless, Kosovo IDPs and FAS, the vast majority of whom are Roma. In December 2004, government officials, IGOs, representatives of countries returning asylum seekers, settlement residents, CAP partners and other activists met for three days to hammer out programs to address Roma housing issues. The results have been incorporated into Serbia's action plan on housing for the Decade and proposals submitted to international donors.

Using Awareness-Raising to Break Stereotypes

Whether in settlement meetings or broadcast media, CAP takes on stereotypes inside the Roma community and in majority society.

Highly visible – and audible – in CAP are two groups stereotypically silent in Roma communities. Thirty percent of the advocates are women. In Belgrade, which has the largest concentration in Serbia of IDPs and FAS, the combined Community Advocate teams include 50 percent IDPs and FAS.

Another stereotype is based on employment: Roma waste collectors sift through trash bins in Serbia's cities to collect recyclable material. With a view to helping them protect their rights and bargain with buyers who have not raised the price paid for waste paper in six years, the advocates have gone door-to-door to identify these workers – 2093 in Belgrade and 1500 in Nis -- and discussed with them the prospect of forming a union or guild. So far, response has been favorable in this sensitive awareness-raising endeavor. In both cities, an independent (i.e., nonstate) trade union has offered to help train organizers. Echoing the formation of the blacksmith's union in Nis at the start of the 20th century, training of a core group of recycler-organizers starts in Nis in February 2005.

Yet another stereotype is challenged by a small grants fund. Partner NGOs and Community Advocates can be *donors* to their municipalities, breaking the stereotype of Roma supplicants.

CAP tries to erode other stereotypes by providing information from inside and outside the settlement experience. When CAP started, Roma radio stations offered music and, with few exceptions, little information programming other than syndicated news. In September 2004, eleven months after the Community Advocates began training, CAP launched a pilot program to bring practical information to audiences of local Roma-owned stations that would agree to carry the program for free. No telecommunications law requires stations to air public interest programming that is not produced by the government.^{xiii} Three stations agreed to air the pilot shows; others followed. The Community Advocates' half-hour radio show is now a weekly fixture on fourteen stations, reaching audiences from Serbia's northern to southern borders. Topics have included domestic violence, the rights of IDPs, access to infrastructure, obtaining identity documents, public health issues, how to vote and others. Audiences are responding positively, and Roma radio stations want more information programming. Municipal government stations are picking up the program, making the perspective from Roma settlements accessible to majority audiences.

Preventing Human Rights Violations through Political Skill and Affirmation

The danger of a rights-based approach that relies solely on condemnation of violations is that it can contribute to a perception of Roma as objects and victims. Serbia's unstable political climate and largely dysfunctional institutions are at this time more likely to provide impunity than redress. In that environment, it can be more effective to *prevent* the violation of rights in everyday practice, as CAP seeks to do, than to seek systemic remedies. To do so requires political skills, i.e., identifying and nurturing allies, building and sustaining agreement, assessing and balancing diverse interests, active listening, conveying a message to different audiences, negotiating, mediating, mobilizing a base of support, responding to a constituency, weighing risks, building trust, activating pressure groups. This flexible approach is suited to an operating environment characterized by individual initiative or arbitrary whim. Little victories can be won at the intake desk on behalf of individual clients and, in those scenarios, everyone is empowered - the activist, the client, the service provider/administration official. It is a win-win situation. Success establishes precedent, and slowly a system starts to take shape. The individual activist breaks down his/her fears and grows more practiced and skillful; his/her NGO strengthens its base as the community of "satisfied customers" grows; teamwork within the NGO evolves as members develop as individuals; useful information circulates by word of mouth through the settlement, on the radio or at meetings organized by the activists; intake staff – local administration, employment office, social services center, school, health clinic, etc. – develop relationships that break down fears and bring them into the settlements, figuratively and literally. With this approach, Roma activists – like those in CAP -- are not objects and victims, but affirmative actors who offer solutions. Their preferred tactic is cooperation with local administration and other actors in their cities to promote the fulfillment of rights at grassroots level. They do, however, find common voice with Roma civil society in other cities to condemn violations by state and nonstate actors.

Community Advocates – A Force for Change

To build the new profession of community advocacy, CAP has combined interactive training, practicum and daily fieldwork, while drawing on professional, practical and intellectual expertise within the Roma national minority. It has also helped ensure that government officials establish and sustain connections with Roma communities that lead to mutual learning.

CAP's curriculum has evolved based on the partner NGOs' and advocates' ongoing assessment of the needs in settlements. The challenge has been (a) to address the lack of training resources and materials on the functioning of state institutions in Serbia, (b) to tailor training and materials to an adult population with elementary or vocational education in a manner that respects their dignity and culture, and (c) to foster interactive pedagogic method and support different learning styles. CAP has brought government officials into every training module as teachers and resource persons. In the area of social services, where no handbook exists to explain the workings of the system, CAP commissioned two consulting experts to the then-Ministry for Social Affairs to publish one; it has gone through two printings and is used by NGOs throughout Serbia and the state's Centers for Social Work. No materials exist outside law school to explain how courts work, so CAP commissioned a "Street Law" mock trial guide for Serbian criminal and civil procedures,^{xiv} Concerning education (enrollment, retention of students, teacher training, support for parents, development of a minority curriculum), many of the experts who spearheaded reform of Serbia's educational system and developed its strategy to improve educational opportunities for Roma work closely with the advocates.

Advocates receive a *minimum* of three days' training per month on skills and/or specific topics relevant to their work. Skills include communications, active listening, negotiation, conflict resolution, designing and managing information campaigns, work with volunteers, media relations, fund raising, planning and time management.^{xv} Topics have included mock police procedures and trials; political culture and human rights; functions of the social service system; rights of IDPs and FAS; procedures for identity documents; the role of women and the family; and others.

Fourteen months into their training, the Community Advocates decided to establish a separate Community Advocates' Council that they foresee will continue to exist after CAP ends in September 2005. Members of the Council agree to continue to represent the individual interests of their NGOs *and* their mutual interest as Community Advocates. The Council requests that its representative participate on equal terms with the leaders of CAP partner NGOs at project management meetings. At this writing, the Council had just been formed, but at its first meeting the advocates' short-term

goals are to participate as a group in Serbia's official opening ceremony for the Decade of Roma, scheduled for April 2005, and to develop a joint proposal for the World Bank's small grants competition for which CARE would provide matching funds. Their long-term goal, which they acknowledge requires much commitment and preparation, is to develop as professional Community Advocates a partnership with the Government of Serbia to implement a nationwide education strategy for Roma children and adults.

The Community Advocates' initiative in forming the Council hints at the potential for democratic development in Roma civil society. The four Roma community-based organizations in CAP's three cities are among the eight most influential in all of Serbia. When CAP ends in September 2005, the advocates will have received more public service training than most officials.^{xlvi} By calling for work across NGO lines to continue after CAP ends, the rank-and-file are challenging Roma leadership to move more quickly toward a common voice.

A FUTURE ROLE OF INTERNATIONAL DEVELOPMENT NGOS IN RIGHTS-BASED PROGRAMMING

CAP has another eight months to go but bears no illusions as to what a program seeking to reduce discrimination and promote Roma integration can accomplish in a brief 2.5 years. Preliminary results at least point to the potential to effect sustainable change and to promote and protect rights through this type of initiative. Before concluding on the potential role of an international development NGO, however, first a brief summary of the advancement options for Roma through other avenues that have been discussed in this paper.

Options to increase Roma participation in political life and thus access to state power are limited. Lowering the threshold for parliamentary representation may turn out to help small political parties, but the chances of Roma representation in parliament are slim without new law creating minority set-asides. (Voluntary quotas clearly do not work; otherwise 30 percent of Serbia's parliamentarians would be women.) It is generally accepted, including by line ministries, that Serbia's 2002 census does not accurately reflect the number of persons who identify themselves as Roma. Unlike the rest of Serbia, the Vojvodina government keeps ethnicity data on appointed and hired government officials so as to increase the representation of underrepresented groups according to their census percentage. Even in this positive initiative Roma are at a disadvantage. Although many Roma vote, many others are without legal addresses or identity documents, and thus are disenfranchised. With few posts in public administration or the state economic sector (except city sanitation services), Roma do not have access to the formidable power of incumbency in Serbia.

The minority-platform bodies created to define and advance collective interest and to promote minority rights are still weak. Their situation is compounded by the difficult relations within, and uncertain future of, the State Union. The Roma National Council has yet to find a voice or be accepted by its constituency. At this writing, it had closed its office in Belgrade, and several Roma associations were meeting to consider recall and new elections. The Secretariat for Implementation of a National Strategy for the Integration and Empowerment of Roma, totalling three persons (one of them Roma), has been revitalized by Decade coordination, but it depends on external donors. So, too, do nearly all State Union Ministry of Human and Minority Rights operations and programs. The Secretariat for the Republic of Serbia National Council of National Councils is one person. It is still early, but these suggest that ethnic-based institutions may not be the means to integrate Roma.

Rule of law and due process remain massive challenges in Serbia to which the EU and the US have devoted great political and financial resources. It is unrealistic to expect that institutions will function or that laws and standards to protect rights will be implemented. Focus on redress of human rights violations in domestic courts has yielded limited results that have discouraged lawyers and potential clients alike. Political instability and frequently changing interlocutors and policies also work against relying on institutions to create and implement systemic approaches to poverty and discrimination. The Decade's ambitious action plans in housing, health, education and employment hold out hope, but only if the state and Roma civil society build a principled partnership. If they do not do so, the political will, human resource capacity and funding needed to make them a reality will not materialize.

International and developmental NGOs can play a role in helping develop that principled partnership – and by joining it themselves. The CAP program is not a panacea. Blending a human rights

perspective with a development perspective, it has double potential for significant change and distinguishes itself from other development assistance approaches that are more narrowly focused on humanitarian needs. CAP links needs with rights, the grassroots with the macro (or meso) levels, and the individual with the dutybearer. It raises the potential for impact in several ways:

- It connects with and seeks to capitalize on all other efforts to improve the situation of the Roma.
- It often catalyzes actions of other dutybearers, supporters of minority rights, and a range of state and non-state actors. At a minimum, it lets the voices of the Roma people be heard.
- It gives legitimacy to the claims and complaints of the Roma by grounding them in everyday, local realities.
- It lets the voices reside in the communities themselves through the leadership of the Community Advocates who work side-by-side with clients. And this galvanizes support for their NGOs and Roma civil society from a broader base.
- It offers the diverse Roma community an opportunity to join in a common agenda that any one Roma NGO might have difficulty undertaking alone.
- Although this distinction is often difficult for clients and even some Community Advocates to understand, it differentiates between needs and rights.
- When CAP successfully resolves an individual case, it can set a precedent for others.
- Similarly, by working on several different fronts simultaneously – raising awareness of rights (e.g., IDPs), explaining the process to obtain identity documents, campaigning for local education strategies, mutual learning with local authorities and service providers, facilitating access to state services, raising awareness on education and health, especially for women and children – it opens a wide range of avenues to improve the situation of the Roma community and gives rise to multiple models of success that can be tried.

Particularly in situations where civil society actors, their constituents and perhaps even their government representatives compete for resources, power and voice, an international actor, such as CARE, can help broker, mediate and facilitate dialogue. While even the most enlightened or innovative development project might adopt strategies of advocacy, empowerment of local actors at grassroots level and cooperation with local authorities, just thinking about the rights of the client population broadens the view of what actually needs to change and opens up possibilities for what more development organizations *can* do in order for the poor, marginalized or disenfranchised to break the cycle of poverty.

A rights-based program such as CAP does not come without its risks, challenges and potential harms. Just giving people voice and holding others accountable can raise tensions. For example, the more skilled or confident the community advocates become, the more likely they are to challenge lines of authority and distribution of resources. This may be difficult for NGO leadership and other organization members to accept. Notwithstanding the risk of community advocates choosing their own behaviors vis-à-vis state or other actors, CARE seeks to abide by its own principles in rights-based programming to oppose violence, mitigate any potential for conflict, and minimize risk for project participants and staff.^{xlviii} In the end, the prospect of more sustainable impact based on the acceptance that people have a *right* to dignity compels us to explore rights-based approaches, while being cognizant of the risks.

ENDNOTES

ⁱ "Roma" shall be understood here in a broad meaning, including those who identify themselves as Roma, but also related groups such as Ashkali, Egyptians, Rudari, Bejashi, and other customary groupings.

ⁱⁱ Serbia and Montenegro became a signatory on 11 May, 2001. Recent monitoring resulted in the Committee of Ministers adopting a resolution on how Serbia and Montenegro has put to practice the principles contained in the Framework Convention for the Protection of National Minorities. This resolution contains conclusions and recommendations which are largely based on the Opinion of the Advisory Committee on National Minorities, highlighting positive developments but also a number of issues on which Serbia and Montenegro is expected to take further measures to support its national minorities (News [2004]029 of the Council of Europe website, www.coe.int/minorities, from the Secretariat of the Framework Convention for the Protection of National Minorities, 17 November, 2004).

ⁱⁱⁱ Jones, Andrew et al. 2001. "Incorporation of a Rights-Based Approach into CARE's Program Cycle: A Discussion Paper for CARE's Program Staff." July.

^{iv} In this paper, rights refer consistently to both individual and collective rights.

^v See UNDP, Human Development Reports. Internet: http://hdr.undp.org/reports/detail_reports.cfm?view=708

^{vi} The specific situation of Roma in Serbia is described in the *Draft Strategy for the Integration and Empowerment of Roma*, English language text issued for public comment on 18 December 2002 (hereinafter "Draft Strategy"). The situation is also described in Ministry of Human and Minority Rights of the State Union of Serbia and Montenegro, Center for Ethnicity Research, *Romany Settlements, Living Conditions and Possibilities of Integration of the Roma in Serbia*, December 2002 (hereinafter "Romany Settlements").

^{vii} Presentation by the ScG Ministry of Human and Minority Rights, "Roma in Serbia," delivered at a coordination meeting in Belgrade to announce Action Plans prepared for the Decade of Roma Inclusion, 18 January 2005; correspondence from the Roma National Strategy Secretariat to CARE International in Serbia and Montenegro, 27 January 2005. (hereinafter "MHMR presentation, January 2005").

^{viii} *Romany Settlements*, p.58.

^{ix} MHMR presentation, January 2005..

^x PRSP, Annex 1, Cross-Cutting Issues in the Poverty Reduction Strategy, 5. Poverty Reduction Among the Roma. 5.2 Problems and limitations, p.34.

^{xi} ACFC/SR(2002)003, *Report Submitted By The Federal Republic Of Yugoslavia Pursuant To Article 25, Paragraph 1 Of The Framework Convention For The Protection Of National Minorities*, received on 16 October 2002, p. 140.

^{xii} UNOCHA, Humanitarian Risk Analysis No. 18, *Humanitarian Situation, Protection and Assistance: Internally Displaced Persons in Serbia and Montenegro*, 26.04.2002, pp. 23-24. See also *Draft Strategy*, p. 13.

^{xiii} Responding to the government's report under the Framework Convention for the Protection of National Minorities, the Council of Europe Advisory Committee "noted with concern that the conditions in many settlements are so sub-standard that they constitute a health risk for the residents." ACFC/INF/OP/I(2004)002, *Advisory Committee On The Framework Convention For The Protection Of National Minorities, Opinion On Serbia And Montenegro* (27 November 2003, made public on 2 March 2004) (hereinafter "Opinion"), Article 39, pp. 13-14.

^{xiv} *Romany Settlements*, pp. 8-10. See also Oxfam GB, Belgrade Office, *Roma Health: Final Report*, 2003.

^{xv} A citizen of Serbia, regardless of ethnicity, receives *de jure* and *de facto* differential treatment in obtaining the identity documents to which s/he is entitled. In the first instance, the state distinguishes between IDPs and domicile populations. Further, the Serbian law on local administration allows municipalities to set their own fees for certain documents and services. As a result, a citizen faces different fees charged by municipalities for the same document. Accentuating differential treatment even more, each municipality devotes different resources to citizen services, so the physical procedure for getting identity documents varies from municipality to municipality.

^{xvi} IDP Interagency Working Group, *Analysis of the Situation of Internally Displaced Persons from Kosovo in Serbia and Montenegro*, Belgrade, October 2004 ("GAP Analysis"), pp. 35-36.

^{xvii} A survey conducted by Oxfam in Belgrade found that 39.5 percent of Roma did not have a valid ID card and that 56 percent of the IDPs did not have an IDP registration card. *The Roma Livelihood in Belgrade Settlements*. Research by ARGUMENT, commissioned by OXFAM, Belgrade, December 2001.

^{xviii} Z. Jovanovic, J. Kijevcanin, and Z. Milivojevic. 2001. *The needs / problems of the Roma population in Serbia from the perspective of 34 Roma associations*. Catholic Relief Services, Belgrade.

^{xix} At the time of formation of the State Union under the 2002 "Belgrade Agreement", signatories from the government of Montenegro made clear their position that the Republic of Montenegro should be an independent state. Creating the State Union was a high priority of the European Commission and was negotiated by Javier Solana himself. The Montenegrin

government consented with the caveat that, when the Agreement's three-year term expired, a referendum would be held on Montenegrin independence.

^{xx} Of the ex-Yugoslav states, Serbia and Montenegro has the largest number and percentage of national minorities. Over 25 minority groups are officially recorded, but unofficial, self-declared minorities bring the total even higher. Official population figures are not wholly reliable. A reasonable working estimate is that only 65 percent of the total population of Serbia and Montenegro, including Kosovo, declare themselves as Serbs.

^{xxi} The definition of "national minority" in the law, which limits protection to "citizens," has been questioned by the Advisory Committee in its opinion on the State Union's report under the Framework Convention on the Protection of National Minorities. The Advisory Committee noted that "...limiting the scope of the term national minority to citizens only may have a negative impact for example on the protection of those Roma or other persons whose citizenship status, following the break-up of Yugoslavia and conflict in Kosovo, has not been regularised, including those displaced persons from Kosovo who, in the absence of personal documentation, have had difficulties in obtaining confirmation of their citizenship..." *Opinion*, Art. 22, p. 10. The Government of Serbia and Montenegro responded to this concern in its *Comments of the Government of Serbia and Montenegro on the Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in Serbia and Montenegro*, GVT/COM/INF/OP/I(2004)002, 29 April 2004, noting that "the authorities of Serbia and Montenegro are of the opinion that citizenship may not be excluded from the criteria for defining national minorities." pp. 20-21. See also pp.5-6.

^{xxii} Such legislation has repeatedly been called for in the country reports of the EU Stabilisation and Association Process. In July 2004, the UN Human Rights Committee also called for anti-discrimination legislation and singled out for attention persistent discrimination in social and economic life against the Roma, as well as violence and harassment by racist groups. See Articles 23, 24 and 25, CCPR/CO/81/SEMO, *Consideration of Reports Submitted by States Parties under Article 40 of the Covenant on Civil and Political Rights, Concluding Observations of the UN Human Rights Committee: Serbia and Montenegro*. issued 30 July 2004.

^{xxiii} Article 19, Law on Protection of the Rights and Freedoms of National Minorities [translation by authors].

^{xxiv} The Council of Europe and the UN Interim Administration Mission in Kosovo (UNMIK) concluded an agreement related to the Framework Convention in Kosovo on 23 August 2004. The report by the UNMIK is due in February 2005.

^{xxv} Although they examine issues of poverty and discrimination that affect Roma in Serbia, UN Human Rights Commission recommendations and UN treaty body reporting occur with a significant time delay. In contrast, the OSCE/ODIHR Roma/Sinti Contact Point and OSCE High Commissioner on National Minorities are able to respond quickly to prevent or, when necessary, respond to crises.

^{xxvi} The Fund for an Open Society, located in Serbia, is affiliated with the OSI.

^{xxvii} Without an anti-discrimination law, there is no legal standard of proof for discrimination, nor any means to bring claims. The local *Centar za manjinska prava*/Minority Rights Center issues annual reports on the situation of human rights of the Roma national minority and describes, among other abuses, individual cases of discriminatory treatment.

^{xxviii} The curriculum for CARE's Community Advocates Program begins with an exploration of history and the Roma movement. The exploration is led by leaders of the Roma community-based NGOs that are CARE's partners in the program.

^{xxix} The mission statements of CARE's partner organizations reflect this mix of "politicized" activity:

DUR's mission is to improve the conditions of life, active engagement and social inclusion of the Roma population of Serbia and Montenegro.

RIC's goal is the emancipation of Roma which can only be realized through education. It advocates taking full advantage of the right to education and for improving the social, cultural and political life of Roma. RIC emphasizes the importance of engaging and training young people in working on education, culture and spreading the progressive ideas of democracy.

YURom's goals are the integration of Roma in a multiethnic and civil society of Serbia; an increase in the number of pre-school institutions preparing Roma children to attend elementary school; transformation of social and cultural values of Roma in Serbia; information available for Roma in their native language; opening of a national historical archive, library and database of scientific information about Roma; and improvement of the organizational system of the Roma nongovernmental network, international organizations, government institutions and local authorities.

Romsko srce's goals are to uncover, document and resolve (through direct and indirect means) damage that have resulted from economic, ecological and humanitarian catastrophes; to prepare children to enter the first grade of primary school; to increase the involvement of the Roma population in elementary, high school and higher education; to mediate to help resolve administrative disputes with state bodies; to mediate to help resolve disputes regarding social services and housing; to accelerate the social and political participation of the Roma community. In a word, Romsko srce works toward the total integration of Roma in all aspects of society.

^{xxx} *Izveštaj sa Regionalne konferencije romskih NVO/ Report from Regional Conference of Roma NGOs*, (Kragujevac 2003), p. 46 [translation by authors]. The conference was held 18-24 April 2002 and organized by the NGO Romski informativni centar/Roma Information Center which also published the proceedings.

^{xxxi} *Ibid*, p.48.

^{xxxii} Few published works are available in English, but see writings of Ms. Rozalia Ilic of Romski informativni centar/Roma Information Center in Kragujevac, www.ric.co.yu, and Ms. Refika Mustafic of Romski edukativni centar/Roma Education Center in Nis, www.rec.co.yu.

^{xxxiii} In 1998, for example, the regime's slogan, formulated by the political party of Slobodan Milosevic's wife, was *Svi mislimo isto* "We all think alike."

^{xxxiv} In doing so, the regime converted UN sanctions and the NATO air campaign to its propaganda advantage.

^{xxxv} Reluctance by the Serbian state prosecutor to bring charges and inaction by the courts in the area of employment rights, for example, is described in *Draft Report on Council of Europe Regional Project, Roma Access to Employment, Serbia and Montenegro*, November 2004. The report is scheduled for release in February 2005.

^{xxxvi} The state educational system could – should -- play a leading role in rights education. However, civic education, which takes as its premise the rights of the child, has been a controversial new subject in Serbia's state curriculum, even though it was offered only in a few grades. Religious communities and the current government strongly oppose the subject and favor religious instruction (*not* comparative religion) as a mandatory subject. Children now choose between civic education and religious instruction.

^{xxxvii} Majority civil society and Roma civil society interact more closely outside Serbia's populous capital than in it, but most major human rights events are convened in Belgrade.

^{xxxviii} See paper for this conference by Bode et al., "Putting Rights-Based Development in Context: CARE's Programming Approaches in Malawi and Bangladesh." See also Picard, M. (Nov., 2003), "Measurement and Methodological Challenges to CARE International's Rights-Based Programming," paper presented at the EDIAIS conference, Manchester, UK. Readers are also referred to the CARE UK website: http://www.careinternational.org.uk/resource_centre/rba_index.php.

^{xxxix} Partners in CAP, including CARE International, agree as follows:

Parties enter into this agreement in the spirit of principled partnership: equal commitment to mutually-agreed roles and responsibilities, including shared risks, and a reciprocal balance in rights and obligations guided by shared goals, purpose and values; trust based on mutual accountability; respect for each other's unique identity and views; responsiveness to changing conditions, building synergy and complementing each other's effort.

Article 2, *Partnership Agreement between CARE International in Serbia and Montenegro and [Individual Partner] in the Community Advocates Program* (hereinafter, "Partnership Agreement").

^{xl} Article 5 of the Partnership Agreement describes this:

In general, CARE has a role of facilitation in CAP, fostering dialogue and linkages as follows:

A. Between and among CAP partners in

- design and implementation of curriculum,
- design and implementation of Community Advocate roles and tasking,
- design of role of Community Advocate Coordinators,
- design and implementation of advocacy strategy,
- identifying and prioritizing issues for the awareness campaign,
- identifying projects for the Community Initiatives Fund based on the work of the Community Advocates,
- identifying potential cases for the Legal Fund that is jointly managed by CARE and [attorneys in CAP],
- addressing other issues of mutual concern that arise during CAP.

B. Between CAP partners and international and local nongovernmental organizations, building on already-existing linkages between CAP partners and those organizations, to work together in an advocacy coalition.

C. Between CAP partners and local, republic and national authorities, building on already-existing linkages between CAP partners and those bodies, to promote problem-solving and communication, address concerns and cases that arise during CAP field work, exchange information and analysis, and promote policies that improve access of marginalized groups, particularly Roma, to legal rights and state services; raise awareness of rights of individuals belonging to the Roma national minority; promote human rights and rule of law; combat stereotypes and discrimination and make systemic change that results in lasting and fundamental guarantees of respect for the human, social, economic and cultural rights of individuals.

D. Between CAP partners and international governmental or multilateral bodies, such as the European Commission's European Initiative for Democracy and Human Rights, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the OSCE Office of Democratic Institutions and Human Rights, the OSCE High Commissioner on National Minorities and UN agencies and offices, where possible and building on already-existing linkages between CAP partners and those bodies, in efforts to promote and protect human rights and the rights of individuals belonging to national minorities.

E. **Between CAP partners and CARE worldwide**, contributing information, lessons from other countries, policy analysis and interpretation as inputs to the advocacy process.

^{xii} On the spot, the local Ministry of Interior offered to form a task force with NGOs to address domestic violence and other incidents in settlements. When, in 2004, a disagreement between a taxi driver and a Roma who had paid for his fare in Euros instead of dinars led to an altercation, mediation by the task force kept calm in Kragujevac.

^{xiii} It could even affect how Serbia and Montenegro fares in the S&A process. See half-hour broadcast interview given to RTS/Serbian state television by Mr. David Hudson, First Secretary of the EC Delegation in Serbia and Montenegro, aired on local stations and nationally in July 2003, as well as Belgrade's Media Center report on press conference by Mr. Hudson, Roma community leaders and CARE representatives held on 10 July 2003, www.mediacenter.org.yu. In describing the significance of CAP, Mr. Hudson explained how the situation of the Roma national minority directly affects whether and when a country can join the European Union. He urged the government of Serbia and Montenegro to learn from the negative example of Slovakia in that regard.

^{xiii} International organizations often produce costly audio-video material as part of projects, but cannot get the programs aired in Serbia. Oxfam in Serbia experienced much difficulty in this regard with its public information campaign on the situation of Roma.

^{xiv} In Nis, for example, the head of the municipality's branch of the National Employment Agency served as the judge in the advocates' mock civil and criminal trials.

^{xiv} Among the training resources used in CAP is the National Democratic Institute ("NDI") which usually works to develop the capacity of political parties. In part of the Balkans, NDI's mandate includes the development of Roma political parties. See the report of NDI's February-March 2003 assessment mission, *Roma Political Participation in Bulgaria, Romania and Slovakia*, where the problem statement notes that:

For their part, Roma communities have yet to produce effective political leadership. Political disunity, economic hardship, and social stagnation conspire to suppress political aspirations and a cohesive political identity. Many Roma political parties are viewed by Roma themselves as corrupt and unlikely to reform. Roma civic groups enjoy some degree of public support but are insufficient to solve the problems at hand. New Roma political groupings are needed to promote Roma identity by articulating and advancing their social, economic, and human rights interests through political representation.

How to remove barriers and encourage Roma to be politically active presents complex, strategic questions. There is not nor should there be one approach given varying historical, demographic, electoral, and socio-cultural factors shaping Roma communities across the region. How Roma communities find their political voices and organize their political interests depends on a host of factors and ultimately on decisions taken by Roma themselves.

p. 1. NDI considered CARE's argument that, in Serbia, a nonpartisan approach that could foster a participatory political culture in Roma communities was preferable to developing partisan political parties based on ethnicity. Although NDI did not officially expand its regional programming to include Serbia's Roma community, its staff and trainers – several of whom are also government officials – work with the Community Advocates and have tailored courses for nonpartisan community mobilization in the service of human and minority rights. NDI trainers helped the advocates prepare integrated campaigns for voter registration/get-out-the-vote and school enrollment/registration.

^{xvi} As the Decade approaches, the advocates have been increasingly attractive to potential IGO and INGO employers. One already works part-time with a major donor as it prepares its funding strategy for the next several years.

^{xvii} Organizationally, CARE is very cognizant of the need to address risks in rights-programming and has developed some tools for this purpose, such as the benefits-harms framework and a risk assessment tool being tested currently in CARE.