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Promotion of Diversity and Equality in Serbia*

*Ex-post Analysis of the Implementation of the Action Plan for the Exercise of the Rights of
National Minorities*

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Introduction

Within the negotiation process under Chapter 23: Judiciary and fundamental rights, one of the requirements for opening the chapter was a duty to prepare an Action Plan for the Exercise of the Rights of National Minorities (hereinafter: the Action Plan). The Government of the Republic of Serbia passed the Action Plan on 3 March 2016, as a medium-term strategic document with no time limits on its validity. In the absence of a previous strategic document or specific *acquis communautaire*, the Action Plan was drafted based on recommendations from the Third Opinion on Serbia of the Council of Europe (CoE) Advisory Committee on the Framework Convention for the Protection of National Minorities (hereinafter: the Framework Convention). The choice shaped the structure of the Action Plan, divided into 11 chapters, with a drafting methodology relying almost fully on the experience and practices used for the Action Plan for Chapter 23.

As most of the activities provided by the Action Plan were scheduled to be implemented until the end of 2018, a review of the Action Plan for Chapter 23 by the European Commission and the Government of Serbia highlighted a need to conduct an overall analysis of the effects of the Action Plan, which would lay the groundwork for further development of a strategic framework in the area of national minority rights.

With the Law on the Planning System of the Republic of Serbia¹ (2018), and the Regulation on the Methodology of Public Policy Management, Policy and Regulatory Impact Assessment and the Content of Individual Public Policy Documents² (hereinafter: Regulation on the Methodology of Public Policy Management) came a new public policy planning system that was introduced into the legal system of the Republic of Serbia, which aside from stipulating the mandatory elements of a public policy document, prescribed mandatory analytical processes to be carried out before, during and after its implementation, i.e. *ex-ante* and *ex-post* analysis of its effects.

In view of the circumstances, for an informed choice to be made as to the next step in the development of public policies in the domain of the rights of national minorities, it is necessary to conduct *ex-post* analysis of the effects of the Action Plan, which under the Law and the Regulation involves following its implementation (monitoring) and valuing its outcomes (evaluation).

1. Purpose of the Analysis

The Regulation on Public Policy Management Methodology prescribes, *inter alia*, that the analysis of effects needs to be carried out to provide for a more profound insight into, better understanding and assessment of the real outcomes, which the measures, incorporated in the public policy documents that had been passed, produced during the implementation. With this in mind, the purpose of *ex-post* analysis is to produce an assessment of the outcomes of the Action Plan, more precisely, to evaluate the relevance, effectiveness, efficiency and sustainability of the Action Plan, so that the competent proponent of a public policy can make an informed decision as to the future steps in the process of public policy planning in the domain of the rights of national minorities.

¹ Official Gazette of the Republic of Serbia No. 30 of 20 April 2018

² Official Gazette of the Republic of Serbia No. 8 of 8 February 2019

Since the new normative framework for public policy planning describes the analysis of effects as a continuous process, the focus of it lies on the monitoring and evaluation mechanisms. The purpose of monitoring the implementation of the Action Plan was to find out if it was achieving the goals and results that had been provided by the Plan, while the intent behind the evaluation process was to use the information to gauge its efficiency and effectiveness.

In the end, the purpose of the analysis was to assess the optimal options available in the context of public policy planning in this field, and to formulate recommendations that could be used in a new planning cycle or for the purposes of revising individual parts of the Action Plan.

1.1. Work methodology

For the purposes of the analysis and recommendations as to how to improve the implementation of the Action Plan, the methodology used involved the following: 1. A review of literature and documents; 2. A survey carried out among representatives of the national councils and national minorities; 3. Writing *ex-post* analysis of the impact of the Action Plan on the exercise of the rights of persons belonging to national minorities and recommendations as to how to improve its implementation.

The review of literature and documents to assess the impact of the Action Plan included quarterly reports on its implementation from 2018, 2019 and 2020, reports by international organisations, annual reports by independent and autonomous state bodies and Reports on the implementation of the Action Plan for Chapter 23 (for a detailed list see Appendix I).

The questionnaire used for the purposes of the survey, involving representatives of the national councils of national minorities and civil society organisations, contained questions designed for the respondents to value the effectiveness, efficiency and monitoring of the Action Plan, offering also a general assessment of how successful the implementation of the Action Plan was (for a full list of questions see Appendix 2).

Ex-post analysis was drafted in conformity with the Law on the Planning System and the Regulation on the Public Policy Management Methodology,³ to the extent permitted by the format of the Action Plan, as it had been written before they were passed, and adopted during the Republic of Serbia's accession negotiations with the EU, in line with the recommendations of the Third Opinion on Serbia of the CoE Advisory Committee on the Framework Convention. The monitoring of reports on the implementation of the Action Plan from 2016 to 2020 was conducted, and the results were used to value (evaluate) its performance. The efficiency and effectiveness of the Action Plan were assessed to produce information about the reasons behind its successes and failures, more precisely, conclusions as to the direction which necessary corrections should take (monitoring and evaluation-related questions are listed in Appendix 4). Following the Proposed Model of a Report on Implementation Monitoring,⁴ tables were made to monitor the implementation of reports on each of the Chapters, including the elements of the Action Plan (strategic objectives, overall results, impact indicators, activities and sources of verification). What created problems in monitoring the achieved results were the indicators that were not formulated well enough to provide for an adequate and high-quality assessment of performance, i.e. outcomes, results and effects of the Action Plan, and didn't have initial, intermediate

³ Regulation on the Methodology of Public Policy Management, Policy and Regulatory Impact Assessment and the Content of Individual Public Policy Documents: 8/2019-79

⁴ Handbook of Public Policy Impact Analysis, Government of the Republic of Serbia, the Public Policy Secretariat, 2020, page 64

and final values defined, which made it impossible to monitor properly the degree to which the objectives, results and activities had been achieved.⁵ The quality of valuing (evaluation of) the Action Plan was made conditional on its format, as the logic behind the intervention was not explicit enough, and logical links between the objectives, results and activities had not been established. Also lacking was a hierarchy between the goals (general and specific), and “strategic objectives” were not quantified.

The final stage, in which conclusions, views and opinions by representatives of national councils and national minorities were explored, produced recommendations as a tool to help decision makers improve the realisation of the Action Plan and the way in which it is implemented. Bearing in mind the importance of the Action Plan in Serbia’s EU accession process, and in the domain of Chapter 23, the recommendations have been written as a follow-up to the existing minority policy, suggesting corrections that would build efficiency in achieving the objectives and results set out by the Action Plan, in compliance with the Law on the Planning System and the Regulation on Public Policy Management Methodology.

The experts involved divided the work on the chapters of the Action Plan between them, in line with their professional qualifications and affinities - Aleksandra Vujić, Ph.D., analysed the following chapters: II – Prohibition of discrimination, III – Culture and media, VI – Education, X – National councils of national minorities and XI – International cooperation, and Vladimir Vukićević worked on I – Personal status position, III – Freedom of religion, V – Use of language and script, VII – Democratic participation and VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises. The two experts worked together on Chapter X – Economic status of members of minority communities.

Notes:

The analysis of the Action Plan didn’t take into consideration the exercise of rights by the Roma national community, nor an estimate of the funds engaged in the implementation of the Action Plan.

Proceeding from the specific features of the Roma national minority, exposed to multiple discrimination, based on ethnicity and socioeconomic status alike, the Government of Serbia endorsed the Strategy for Social Inclusion of Roma Men and Women, establishing the strategic objectives covering the fundamental areas of life in need of intervention that would lead to full equality between the Roma minority and the majority people (education, housing, employment, healthcare and social protection). The Action Plan, based on the recommendations as stated in the Third Opinion on Serbia of the CoE Advisory Committee on the Framework Convention, has also recognised specific difficulties inherent to the position of the Roma minority, offering in Chapters I, II and X the activities and overall results focused exclusively on Roma. Chapter I of the Action Plan contains activities designed to address the issues of legal invisibility and birth registration as a notably Roma issue. Chapter II is centred on the prohibition of discrimination, and of hate speech, often targeted at Roma. Chapter X contains a result and measures aimed at improving the economic position and employment of Roma. Since the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia has not devised measures targeted directly at the themes covered by Chapters I and II, but does contain a number of those to improve the economic status and employment of Roma, it is important to note that the Strategy often overlaps with the Action Plan. With this in mind, in developing new public policies to support the exercise of the rights of national minorities, it is important to be take care that the two should be aligned.

⁵ Analysis of the Report on Implementation of the Action Plan for the Exercise of the Rights of National Minorities, Professor Vladimir Đurić, Aleksandra Vujić, Ph.D., Council of Europe, Horizontal Facility for Western Balkans and Turkey, 2018.

An assessment of expenditure planned for the implementation of activities under the Action Plan was not taken into consideration, even though it's an unavoidable part of evaluation when the criterion of efficiency is discussed. The reason why was that reports on the implementation of the Action Plan didn't include expenditure figures, because in this context the Action Plan follows the methodology of the Action Plan for Chapter 23, using budget cost estimates.⁶

1.2. Review and assessment of the mechanism used to monitor the implementation of the Action Plan

The Action Plan is the first public policy document devoted specifically to national minorities. In the Introduction to the document, the Council for National Minorities (hereinafter: the Council) has been named as a body in charge of monitoring the implementation of activities under the Action Plan. The Council is a working body of the Government of Serbia chaired by the prime minister, which brings together competent state bodies and presidents of all national councils of national minorities.⁷ The Council is elected with a view to achieving not only the full inclusion of national minorities in the monitoring process, but also full coordination of the work of state bodies and the highest level of support to the implementation of planned activities. The Action Plan prescribes that the Council should sit at least four times a year (quarterly), and that in the monitoring procedure it can rely on expertise, administrative and technical support by the Office for Human and Minority Rights (hereinafter: the Office).⁸ Following the reporting methodology used for the Action Plan for Chapter 23 (hereinafter: AP 23), the Action Plan for national minorities provides that all implementing bodies need to appoint contact persons to report on the implementation of activities they are in charge of, delivering necessary data to the Office, which will collect them on a quarterly basis, produce quarterly reports on the implementation of the Action Plan and submit them to the Council and the Coordinating Body. At a meeting in mid-April 2017, the Office reached an agreement with the Coordinating Body for national minorities that the reports be delivered no later than 15 days before they are officially presented to the national councils, so that they can offer their proposals and suggestions, based on which the state authorities will provide additional explanations. For the purposes of full alignment of the reform monitoring process within Chapter 23 and to ensure a more rational use of resources, the reports will also go to the Council for the Implementation of the Action Plan for Chapter 23. Similarly to the AP23 monitoring mechanism, this strategic document, too, provides that civil society organisations will be involved in supervising the implementation of the Action Plan, using meetings between the Negotiation Group for Chapter 23 and the National Convention on European Union (NCEU) in Serbia, the Action Plan being one of the themes.

According to the introductory section of the Action Plan, the Office has prepared 18 quarterly reports on its implementation since the first quarter of 2016. Having used the AP 23 practices, the Office (now the Ministry) has published all of them on its website; except for Report No. 1-2/2016 that has been translated into English and minority languages, the reports are made in the Serbian language only.

The Council has failed to fully comply with the dynamics set in the Introduction to the Action Plan, and it has met nine times, discussing 12 implementation reports. The last session took place in February 2020, when the reports Nos. 10, 11 and 12 were presented, clearly deviating from the original

⁶ See more: 2.2.3. Efficiency

⁷ Decision on the Establishment of the Council for National Minorities (Official Gazette of the Republic of Serbia Nos. 32/15, 91/16, 78/17 and 156/20)

⁸ Since 2020 the Ministry for Human and Minority Rights and Social Dialogue.

dynamics. Exploiting the experience of the Council for AP 23, the Office created and forwarded to contact points standardised forms for creating quarterly reports for each institution, holding a series of training programmes for all contact points. Since the forms used for reports on the implementation of the Action Plan are the same as those used for AP 23, the structure of the reports is nearly identical to the structure of the Report on the implementation of AP 23, including the following:

1. Detailed report on the implementation of activities carried out during the reporting period;
2. Action Plan for the exercise of the rights of national minorities, which contains a separate column displaying the status of implementation of activities;
3. Statistical overview of the status of implementation of the Action Plan for the exercise of the rights of national minorities at several levels:
 - the implementation of activities at the level of the Action Plan;
 - the implementation of activities at the level of individual chapters;
 - the implementation of activities at the level of implementing bodies and partners.

As for early warning mechanisms, the Action Plan has provided for an early alert system in its most rudimentary form, namely, if the implementation of the Action Plan is delayed or deadlocked, the Council is expected to identify the reasons behind either and use its authority to ensure that the obstacles to implementation be overcome as soon as possible. Yet the early warning mechanism has never got off the ground, because the Council would never go into substantive deficiencies in the implementation of the Action Plan, but used the sessions for the brief presentations of the reports instead. In addition, the presentations were behind schedule, as the meetings would take place months after the reporting period, whereby the significance of time in an early alert was lost. In other words, the system has never created an opportunity for the Council to adopt recommendations and make suggestions as to how to handle deficiencies in the implementation process.

When it comes to the evaluation methodology, the same one exploited in the AP 23 was used, a blueprint for which had been provided by the European Commission (EC). A complex traffic light method with five⁹ possible statuses of completion was at the centre of it.

The monitoring mechanism chosen for the Action Plan has its advantages and disadvantages, some arising from pre-set restrictions, including a decision to rely on the experiences of Chapter 23. The chief advantage of the monitoring mechanism used for the Action Plan is that it did secure regular quarterly reporting, transparent and publicly available, while all institutions appointed contact persons trained in reporting and using standardised forms in the process. Another advantage is that the mechanism reactivated the Council, whose meetings had been few and far between before the Action Plan was passed.

Recommendations to improve the reporting process were issued in 2018, in an expert analysis supported by the Council of Europe.¹⁰ The experts noted that among the obstacles to a successful monitoring of the implementation of the Action Plan were inadequate and imprecise indicators, which

⁹Activity is fully completed or continuous, Activity is almost fully completed, Activity is partially completed, Activity is not completed and Report by the competent institution has not been submitted/Report by the competent institution does not contain information on completion/implementation of the activity.

¹⁰ Analysis of Reports on the Implementation of the Action Plan for the Exercise of the Rights of National Minorities by Professor Vladimir Đurić and Aleksandra Vujčić, Ph.D., released in November 2018 and supported by the Council of Europe within the programme Horizontal Facility for Western Balkans and Turkey.

they referred to as “not to a sufficient extent specific and measurable, attainable, relevant and time limited (SMART indicators).” Another problem was the structure of the Action Plan, as the indicators were set to describe not only strategic objectives and results, but activities as well, failing to establish a clear link between the activities and the results though. In addition, the goals of some activities and deadlines for their implementation were vague, often impossible to measure or overly ambitious. Another drawback, which was the consequence of a decision to tie the Action Plan to the Chapter 23 practice, was a string of unnecessarily extensive reports, containing data related to all the previous reporting cycles, which made it difficult to monitor the final status of activity completion. As for the determination of a status of activity completion, represented symbolically at five levels and in five different colours, the criteria against which to establish it were not defined.

2. Evaluation of the Action Plan performance – assessment of relevance, effectiveness, efficiency and sustainability based on the Action Plan Monitoring Reports from 2016 to 2020

2.1. Monitoring (implementation)

The monitoring of 18 quarterly reports was expected to produce a conclusion as to how the Action Plan had been implemented in practice, more precisely, whether the activities provided by it had developed at the pace set by the document, what type of progress had been made and if the indicators tied to individual activities had been met. Based on the findings, an assessment was made if the overall results had been achieved, and if the indicators assigned to them had been met. To the extent possible, the reports were used to list the reasons behind a failure to meet the requirements, and recommendations were issued for each activity, in order to improve a system of the implementation of the Action Plan in the future.

2.2. Evaluation (valuation)

In order to assess how successful the implementation of the Action Plan was, the following evaluation criteria were used: relevance, effectiveness, efficiency and sustainability. *Relevance* was used as a criterion to decide if the strategic areas, planned strategic objectives, overall results and activities provided by the Action Plan corresponded with the position of persons belonging to national minorities when the document was passed, and if the Action Plan, viewed against the backdrop of Serbia’s current policy, was still a document of relevance to protecting and materialising their rights. *Effectiveness* was employed as a criterion to find out if the planned strategic objectives had been accomplished, to gauge the progress made and establish if the planned activities were relevant and adequate in terms of outputs, how effective they were and to what degree they had contributed to the realisation of results and strategic objectives. The results of the survey were expected to show if members of minorities and civil society organisations were satisfied with the results achieved. *Efficiency* is generally used as a criterion against which spending is measured, revealing if it was possible to conduct the planned activities within the resources provided by the Action Plan, and if the

funds had been used as prescribed. In addition, the criterion was applied to determine if the results had been accomplished within the deadlines set, whether activities were duplicated or controversial solutions used, and if the indicators tied to the results had been met. Whether the activities that had been completed were sustainable, more precisely, if they had to be continued in the coming period or not, was decided against the criterion of *sustainability*.

In this *ex-post* analysis each criterion has been examined based on a list of questions prepared beforehand, the answers leading to basic conclusions.

2.2.1 Relevance

The Action Plan for the Exercise of the Rights of National Minorities is the first public policy document focusing exclusively on minorities. The Action Plan was adopted within the negotiation process under Chapter 23: Judiciary and fundamental rights, in line with the Republic of Serbia's strategic orientation to improve the existing institutional and legislative framework in the domain of human and minority rights and freedoms. In the absence of a strategy for national minorities and a previous strategic document in this field, the Action Plan was made based on recommendations from the Third Opinion on Serbia of the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities. Bearing in mind the country's European orientation and accession to the European Union (EU), the Action Plan constituted a relevant document to ensure the protection and exercise of the rights of national minorities in Serbia, drafted as part of a dialogue with representatives of the national councils and civil society organisations at the meetings of Working Groups for the Action Plan. Social and political changes happened during the implementation of the Action Plan, but they had no major impact on reaching the strategic objectives the document had proclaimed. Meeting the needs of minorities was affected by limited resources, as were the results and activities.

Based on the analysis of the reports and answers to the questionnaire sent to the national councils, the conclusion is that the relevance criterion has been met in general, and that it's aligned with the priorities and goals of the Government of Serbia and the international community, the Council of Europe in the first place. The adoption of the Action Plan was needed, the strategic objectives and results were set in line with the given circumstances, but it is important to note that there is room for improvement. Administrative changes in state institutions, and in the national councils of national minorities, too, did affect the quality and level of implementation of the Action Plan, but it doesn't change the judgment that it's relevant and needed in the future as well.

Since 2016 the legal framework governing the position of national councils and councils for interethnic relations have been improved (the Law on Amendments to the Law on National Councils of National Minorities and the Law on Amendments to the Law on Local Self-Government were passed in 2018), and a budget allocation system has been adjusted in favour of minorities, too, after the Budget Fund for National Minorities was activated. Owing to amendments to the Law on the Protection of the Rights and Freedoms of National Minorities and to the Law on Civil Records in 2018, conditions have been created to enter into a Register of Birth national affiliation as well, in compliance with the constitutional principle of free expression of national affiliation, serving as a basis for affirmative action in the future.

In February 2020 the Government of Serbia adopted the Culture Development Strategy 2020-2029, together with its Action Plan, but the National Assembly has yet to pass the document. Among other things, the Strategy is based on the following principles: commitment to protecting and fostering national culture; the protection of cultural rights of national minorities; the promotion of mutual understanding and equal inclusion in cultural life by vulnerable groups. That same year the Law on Amendments to the Law on Culture¹¹ was passed as well.

In May 2021, Serbia passed amendments to the Law on the Prohibition of Discrimination, dispelling prejudice as to race, skin colour, national affiliation, language, religious background, sexual orientation and disabilities,¹² additionally improving the legal framework in the said areas.

Based on the Law on the Planning System of the Republic of Serbia, the Strategy for the Development of Education in the Republic of Serbia until 2030 was passed, devoting Part VII, *Overview and analysis of the accomplishment of 2015-2020 strategic objectives in the area of education of national minorities*, as yet another confirmation of Serbia's commitment to protecting and fostering the education of persons belonging to national minorities.

From 2017 to 2019, amendments were passed to the Law on Employees in Autonomous Provinces and Local Self-Government Units, the Law on Public Agencies, the Law on Civil Servants, the Law on Employees in Public Services and the Law on Central Registry of Compulsory Social Insurance, setting up a mechanism for the collection of comprehensive information about the proportion of national minorities at all levels of public administration, while meeting the standards of personal data protection.

A number of projects have been implemented to improve Roma living conditions, while the percentage of the Roma population covered by active employment policy measures have been expanded as well.

The improved legislative framework and public policies aside, for the strategic objectives, overall results and prescribed activities to correspond with the needs of national minorities in the future, too, the Action Plan needs to be drafted and defined in compliance with the Fourth Opinion of the Advisory Committee, recommendations of the Committee of Ministers of the Council of Europe and the European Commission against Racism and Intolerance (ECRI), and the 2020 Report on Serbia by the European Commission.

2.2.1.1. Recommendations of international bodies by chapters

I – Personal status position

- “To launch an information campaign well ahead of the next census, targeting specifically persons belonging to national minorities, raising their awareness about the advantages of their participation in the census and how this may be in their interest, about the possibility of multiple affiliation, and about their respective rights, with a view to successfully combining the protection and promotion of minority rights with the collection of reliable information about the ethnic composition of the population;” (CM/ResCMN(2021)11).
- “To ensure effective participation of persons belonging to national minorities in the design of the census methodology and in the organisation and operation of such processes, including as

¹¹ Official Gazette of the Republic of Serbia No. 6/2020
Official Gazette of the Republic of Serbia Nos. 22/2009 and 52/2021

enumerators, make all information on the census methodology and the aim of data collection available in the languages of national minorities;” (CM/ResCMN(2021)11).

II – Prohibition of Discrimination

- To reinforce the clarity and availability of the anti-discrimination legislative framework and ensure compliance with international standards – the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee.
- “To set up and operate, as soon as possible and at the latest by the due date of the fifth State report, a sustainable and human rights-based data collection framework on issues pertaining to the access to rights of persons belonging to national minorities as well as promote complementary qualitative and quantitative research in order to assess the situation of persons belonging to national minorities; taking into account such data and research, set up, implement, monitor and periodically review minority policies with the effective participation of persons belonging to national minorities.” (CM/ResCMN(2021)11).
- ”To implement the recommendations of the Protector of Citizens of the Republic of Serbia listed in its Special Reports on Councils for Interethnic Relations and commission an independent qualitative study, as soon as possible and at the latest by the due date of the fifth State report, in order to assess the functionality of the Councils for Interethnic Relations; strongly support the development of independent qualitative and quantitative research showing the level and nature of interethnic relations, including relations between persons belonging to national minorities and persons belonging to the majority; taking into account such research, set up, implement, monitor and periodically review a comprehensive strategy aimed at revitalising interethnic relations, in consultation with persons belonging to national minorities and local self-government units, taking into account the need to involve the majority in the integration and inclusion of national minorities in Serbian society.” (CM/ResCMN(2021)11).
- “To ensure a consistent implementation of legislation regarding individuals belonging to national minorities, including Roma, leading to a tangible improvement in the effective exercise of their rights across the country that can be monitored through enhanced data collection.” (European Commission, Serbia 2020 Report)
- “To step up measures – including by adopting and starting to implement a new anti-discrimination strategy – to protect the rights of persons facing discrimination; actively pursue investigation and convictions for hate-motivated crimes.” (European Commission, Serbia 2020 Report)

III – Culture and media

- “To closely monitor the impact of the privatisation process on minority media and commission a comprehensive and independent study on this subject; take the necessary measures to preserve sustainable editorial and financial independence of all minority media, including those linked to national councils of national minorities.” (CM/ResCMN(2021)11).

IV – Freedom of religion

- “To ensure that the right of persons belonging to national minorities to establish religious institutions, organisations or associations is effectively guaranteed in law as well as in practice, including by ensuring that legal provisions governing religious communities do not allow for discrimination, including against those of a numerically smaller size, in particular with regard to access to legal personality or tax status.” - (CM/ResCMN(2021)11).

V – Use of language and script

- “In areas traditionally inhabited by persons belonging to national minorities or where they live in substantial numbers, collect data on the number of minority languages spoken by civil servants in State, provincial and local administrations and, in light of such data, take the necessary measures including adequate training targeting persons belonging to the national minorities to ensure that the number of minority languages spoken by civil servants in State, provincial and local administrations corresponds to the greatest possible extent to the proportion of the population speaking minority languages; inform all persons belonging to national minorities, in the areas concerned, that they are entitled to use their minority language in contacts with the State, provincial and local administration; commission a study in order to evaluate the level of implementation of the legal provisions on the official use of minority languages and ensure that in all municipalities where the legal requirements are met minority languages are effectively in official use.” (CM/ResCMN(2021)11).

VI – Education

- To promote a multicultural and intercultural perspective in education, including by developing exchange programmes between communities, at every level of education; ensure, as soon as possible and at the latest by the due date of the fifth State report, that through a process including effective participation of persons belonging to national minorities, history curricula and teaching materials promote respect for all groups in society and provide broad knowledge on minorities as forming an integral part of Serbian society thus encouraging multiple perspectives in historical and contemporary research; promote, in consultation with representatives of the national minorities concerned, possible models for bilingual or multilingual education. (CM/ResCMN(2021)11)
- To promote, through the education system, contacts between students belonging to different national minorities in order to promote mutual understanding, dialogue and tolerance. (ACFC/OP/IV(2019)001)
- To promote bilingual education in consultation with representatives of national minorities. (ACFC/OP/IV(2019)001)
- To enhance the availability and quality of State language teaching, including when taught as a second language, through a balanced approach that contains parallel measures safeguarding protection and promotion of minority languages, and continue the development of teaching materials in minority languages (CM/ResCMN(2021)11; ACFC/OP/IV(2019)001)

VII – Democratic participation

- “To design and implement new ways to represent and effectively involve persons belonging to national minorities in the decision-making process at local level, in all areas traditionally inhabited by national minorities, or where they live in substantial numbers, including larger cities, and further reinforce resources allocated to the Budget Fund for National Minorities in accordance with economic possibilities.” (CM/ResCMN(2021)11; ACFC/OP/IV(2019)001)

VIII – Appropriate representation of persons belong to national minorities in public sectors and public enterprises

- “The Advisory Committee urges the authorities to set up and operate, as soon as possible and at the latest by the due date of the fifth State Report, a sustainable and human rights-based data collection framework within the public administration and, on the basis of such data, to set up, implement, monitor and review on a periodical basis concrete and effective measures aimed

at producing long-term and measurable progress on the representation of national minorities in the public administration, in particular those living in remote areas and the most marginalised.” (ACFC/OP/IV(2019)001)

IX – National councils of national minorities

- “To monitor and periodically review the implementation of the Law on National Councils of National Minorities in consultation with the Councils themselves, and commission an independent quantitative study on the functioning of the Councils, including an evaluation of their inclusivity, independence and representativeness, as well as their capacity to initiate intercultural dialogue and strengthen interethnic relations.” (CM/ResCMN(2021)11; ACFC/OP/IV(2019)001).
- To strengthen the capacity of councils for interethnic relations and national councils for national minorities to promote intercultural dialogue. (ACFC/OP/IV(2019)001).

X – Economic status of members of minority communities

- To prioritise the economic revitalisation of areas where persons belonging to national minorities reside in peripheral and/or economically depressed areas, including improvement of the infrastructure and incentives for more employment opportunities. (CM/ResCMN(2021)11; ACFC/OP/IV(2019)001)

XI – International cooperation

- The Advisory Committee calls on the authorities to consider enhancing bilateral cooperation related to the protection of national minorities, with EU and non-EU neighbouring countries in order to stimulate the economic development of areas where persons belonging to national minorities reside, in particular in Central and Southern Serbia. (ACFC/OP/IV(2019)001)

2.2.2. Effectiveness

2.2.2.1. Strategic objectives

For some of the chapters the strategic objectives were defined clearly and correctly, but for others they were overly ambitious, too extensive, vague and imprecise in terms of what needed to be done. The indicators were not set for the strategic objectives, but only for overall results, and it was impossible to determine what changes and what type of progress had to be achieved, and to what degree the strategic objectives were met. Based on the data available, the conclusion is that most of the goals have been “partially achieved,” namely, I – Personal status position, II – Prohibition of discrimination, III – Culture and media, IV – Freedom of religion, V – Use of language and script, VI – Education, VII – Democratic participation, VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises and XI – International cooperation, while the remaining two were “achieved to a large extent” - IX – National councils of national minorities and X – Economic status of members of national minorities.

2.2.2.2. Accomplishment of strategic objectives by chapters

I – Personal status position

The strategic objective has been achieved in terms of using the principle of personality in the exercise of legal rules governing the position of national minorities, and also in terms of applying the principle of autonomous determination of identity for persons belonging to minority communities based on improvements to the legal framework regulating the entry of national affiliation data into the Register of Births, and by upgrading and improving the existing application for a separate electoral roll. The strategic objective has not been accomplished in terms of upgrading the mechanisms for the registration of persons belonging to minority communities, because Chapter I failed to suggest activities that might facilitate the conduct of a census, or any other form of collecting minority-related statistics. The theme of census, of particular relevance to the personal status position, was not discussed in this chapter either, even though a situation analysis carried out while the Action Plan was drafted, and the Third Opinion by the Advisory Committee had clearly highlighted the issue. In the Fourth Opinion on Serbia,¹³ the Advisory Committee has noted that ahead of the next census the authorities in Serbia should launch an extensive campaign to raise public awareness about the importance of participating in the census, multiple affiliation and reliable information about the ethnic composition of the population. Along the same lines, the European Commission has also underlined the importance of a sustainable data-collection framework in the 2020 Report on Serbia.¹⁴

II – Prohibition of discrimination

Since the Action Plan does not contain measurable indicators, the reports that had been delivered were not sufficient for a conclusive finding as to the degree to which the strategic objective “to ensure the exercise of the rights and freedoms of national minorities under equal conditions, across the territory of the Republic of Serbia” and “to have tolerance developed and discrimination prevented” had been achieved. In the same context, the Advisory Committee maintains that the Action Plan, while covering most of the provisions of the Framework Convention, does not contain measures aimed at creating a comprehensive system to collect equality data, including related to national minorities, which is why it is very difficult to determine if a minority policy leads to expected results in practice. Since reliable information on the ethnic composition of the population is a fundamental condition for the implementation of efficient policies and measures to protect minorities, and for providing assistance in protecting and determining their identity,¹⁵ the authorities in Serbia have been recommended to step up efforts to set up and operate a sustainable and human rights-based data collection framework on issues pertaining to the access to rights of persons belonging to national minorities, and to promote complementary qualitative and quantitative research with a view to assessing the position of persons belonging to national minorities. The implementation, monitoring and periodical reviews of the collected data and research should be carried out with the effective participation of persons belonging to national minorities.¹⁶

The Advisory Committee offered recommendations related to hate speech as well, which should be considered in formulating activities under the Action Plan, because the Committee was concerned by the number of hate crimes, particularly against Roma, warning at the fact that hate speech had been neither systematically monitored, nor explicitly prohibited.¹⁷ Accordingly, the Advisory Committee called upon the authorities to bring Serbian criminal law into line with the ECRI standards,

¹³ Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/IV(2019)001, Article 4

¹⁴ European Commission, Serbia 2020 Report, https://ec.europa.eu/neighbourhood-enlargement/sites/default/files/serbia_report_2020.pdf page 39.

¹⁵ The Protector of Citizens, too, has underlined this in the 2017 Report.

¹⁶ ACFC/OP/IV(2019)001, 32, Recommendations, 35

¹⁷ ACFC/OP/IV(2019)001, 62 and 63

to condemn systematically and in a timely manner all instances of intolerance, particularly in public discourse, and to investigate systematically and, if required, prosecute hate speech statements. In a special recommendation, the Committee urged the authorities to step up their efforts in raising awareness of the police, prosecutors and the judiciary as to the importance of investigating and prosecuting hate-motivated crimes against persons belonging to national minorities, and to ensure that police forces adequately reflect the diversity of the population in the local self-government unit where they operate, across the territory of the Republic of Serbia.¹⁸

III – Culture and media

Culture

This planned strategic objective is not fully achieved. It's accomplished in terms of the development of minority cultures by financing and co-financing projects promoting the cultural activities of national minorities, and through the procurement of books in minority languages in the area of contemporary creativity, but the protection of non-material cultural heritage of special importance for national minorities and the development of intercultural dialogue has left much to be desired.

For the purposes of a more effective realisation of the strategic objective in the future, it is necessary to take into account the Advisory Committee's recommendation to increase allocations to the Budget Fund for National Minorities, and take necessary steps to secure additional funding for national minorities in Central and Southern Serbia. Another recommendation was to create opportunities for capacity building to be offered to organisations with meagre resources, so that they can compete for funding from the Budget Fund for National Minorities,¹⁹ and to evaluate periodically the existing allocation system used for different national councils in collaboration with the councils, including those representing smaller minority populations.²⁰

It was impossible to monitor the level of protection and preservation of non-material cultural heritage of minorities, because national affiliation had not been one of the contest criteria in the areas of librarial and informational activities, archaeological heritage, archival materials, museum heritage, non-material cultural heritage, immovable cultural heritage and old and rare library materials. Along the same lines, it was impossible to conduct a systematic review of contest-related statistics, so as to establish the degree to which the cultural heritage of minorities was protected.²¹

In order for the strategic objective “to develop multicultural dialogue” to be achieved, what should deserve particular attention is the result expected to have “promoted the culture of mutual respect and understanding, suppressed prejudice and segregation in multi-ethnic communities, and among young people too,” because not only the result hasn't been accomplished since 2016, but the Action Plan has disregarded it in terms of specific activities as well. The achievement of this strategic objective is in line with the Advisory Committee's call on the authorities at central and provincial levels to continue to promote and support multicultural and intercultural projects, and to ensure regular funding as well as sustainability.²²

Media

The strategic objective has been achieved insofar as a system of information in the languages of minorities is in place, involving financially sustainable information programmes provided by the media owned by national councils, co-funded projects in the area of information, regular project

¹⁸ ACFC/OP/IV(2019)001, Recommendations 65 and 66

¹⁹ ACFC/OP/IV(2019)001; 51

²⁰ ACFC/OP/IV(2019)001; 46

²¹ Ibid.

²² ACFC/OP/IV(2019)001; 52

competitions, privately-owned media that include minority media outlets, and public media services. In the absence of measurable indicators, it was impossible to monitor if the model was “qualitatively, quantitatively and geographically available and financially viable,” which is why this part of the goal can be considered partially achieved, and not achieved in some segments, requiring qualitative improvements. The Advisory Committee shares this opinion in the Fourth Opinion, suggesting systematic monitoring and analysis of minority media. The quality of information for minorities should be also viewed against the impact of the privatisation process, which was yet another recommendation by the Advisory Council. There was no sufficient data to determine if the level of funding had been raised to support minority media outside the Autonomous Province of Vojvodina.

IV – Freedom of religion

It was not possible to establish a clear link between the activities provided under Chapter IV and the strategic objective that had been set in a way very difficult to measure. Since the activities amount to the implementation of recommendations, a comparative legal analysis, and the search for a pragmatic solution based on a church dialogue, it is unrealistic to expect the situation identified in an analysis conducted when the 2016 Action Plan was drafted to have changed considerably. The Fourth Opinion of the Advisory Committee has corroborated the view, urging the authorities to ensure that the right of persons belong to national minorities to establish religious organisations is guaranteed in law as well as in practice, including by ensuring that legal provisions governing religious communities do not allow for discrimination, particularly with regard to access to legal personality or tax status. In order to make this strategic objective measurable, it should be clearly connected with the activities designed to achieve it.

V – Use of language and script

The strategic objective has been achieved in terms of respect for the right to use a native minority language/speech/script, as the legal framework regulating the official use of the language and script of a national minority was improved by amendments to the Law on the Protection of the Rights and Freedoms of National Minorities and the Law on the Official Use of Languages and Scripts. On the other hand, due to a lack of measurable indicators, it was impossible to monitor the strategic objective in the context of a flexible enforcement of rules pertaining to the introduction of minority languages/speeches into official use, which is why this goal requires qualitative improvements. The Advisory Committee, too, has cautioned that comprehensive data are still not available so as to establish the number of speakers of minority languages employed in the administration of autonomous provinces, self-government units and local branches of state institutions, such as revenue offices, which would be of key importance in assessing the relevance and efficiency of the normative measures taken. The Advisory Committee has urged the authorities to prepare a study and collect data to evaluate the level of implementation of the legal provisions on the official use of minority languages, and to ensure that in all municipalities where the legal requirements have been met, minority languages are effectively in official use. Finally, in terms of securing national budget support there has not been sufficient information to establish the level of financing provided for the official use of minority languages outside the Autonomous Province of Vojvodina. The Advisory Committee’s requests for the collection of updated information to assess the effectiveness of implementation of legal rules on the official use of languages and scripts of national minorities correlate with reports on the implementation of the Action Plan, which often lacks precise data, including initial, intermediate and end values to describe the effects of the activity that has been conducted. The Advisory Committee has also highlighted a need to raise

awareness among persons belong to national minorities that they are entitled to the official use of their language and script, and this can be placed in the context of a lack of data that could support an evaluation of the effects of activities provided by the Action Plan to raise awareness of the right to use an official language/script.

VI – Education

The strategic objective to “improve the position of persons belonging to national minorities and encourage the exercise of their rights in the area of education” has been achieved insofar as improvements have been made to the teaching of Serbian as a second language (standards were adopted and a curriculum prepared), tripartite agreements and memorandums have been signed for textbooks in the languages of minorities, the status of a native language/speech with the elements of national culture has been improved, a single information system, “Dositej,” was set up, a group focused on the minority languages is now established within the National Education Council, along with the *Enic-Naric*²³ centre, with the process of recognising academic diplomas underway as well.

The degree of progress in the education of minorities cannot be gauged objectively, as the Action Plan failed to set up initial, intermediate and target values. Also, in 2017 and 2018, the Ministry of Education launched an education reform, bringing about a new education paradigm based on outcomes, including education in the languages of minorities. Accordingly, the activities provided by the Action Plan in 2016, are generally at variance with the education reform.

VII – Democratic participation

As no new and efficient mechanisms to ensure democratic participation by national minorities have been developed, the strategic objective described under Chapter VII remains unaccomplished. The Advisory Committee has highlighted it, too, in its Fourth Opinion on Serbia, suggesting that the authorities need to reconsider provisions governing the election of Members of Parliament, in consultation with representatives of all national minorities, including numerically smaller ones. The Advisory Committee has concluded that the “natural threshold” model paves the way to representation of just a few larger, homogenous minorities, whereas smaller-sized minorities, as well as spatially dispersed and politically heterogeneous, cannot succeed in the election processes. The Advisory Committee has effectively reiterated the position it offered in the Third Opinion, pointing to the inefficiency of implementation of the Action Plan in the domain of Chapter VII.

VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises

The strategic objective has been met insofar as measures to collect comprehensive information on representation of national minorities in the public sector and public enterprises at all levels have been taken, based on amendments to the legislative framework creating a legal regime to enable the collection of given data. Improvements were made to the legal framework regulating and creating a basis for affirmative measures to be prescribed for national minorities, based on new provisions incorporated in the special laws governing the legal status of employees in the public sector, giving preference to national minorities in hiring/laying off under the same conditions. The purpose of this is to reach an appropriate structure of employees in the public sector, at all levels of territorial organisation. In addition, the Law on the Central Register of Compulsory Social Insurance (CROSO) was amended so

²³ ENIC/NARIC centre is an organisational unit of the Qualifications Agency carrying out the process of recognition of foreign educational qualifications. The procedure is conducted under the Law on National Qualifications Framework of the Republic of Serbia (Official Gazette of the Republic of Serbia No. 27/18), unless otherwise provided by an international treaty.

as to allow the Register of persons employed, elected, nominated, appointed and hired by users of public funds to be incorporated in the CROSO system, providing insight into the representation of national minorities in the public administration.

The strategic objective has yet to be met in terms of conducting a decisive measure to reach appropriate representation of national minorities in the public sector and public enterprises. The Advisory Committee has encouraged²⁴ the authorities to set up and operate a sustainable data collection framework within the public administration, and, on the basis of such data, to set up, implement, monitor and review on a periodical basis concrete and effective measures aimed at producing long-term and measurable progress on the representation of national minorities in the public administration, in particular those living in remote areas and the most marginalised. The position of the Committee corresponds with the fact that it was impossible to establish whether the indicators related to Chapter VIII – a gradual increase in the representation of national minorities in the public administration at all levels – were met or not, because initial, intermediate and final data had been unavailable. Another activity that hasn't been completed is a four-year employment plan for persons belonging to national minorities, based on collected comprehensive information about the representation of national minorities and in line with the affirmative measures passed, the purpose of it being to reach an appropriate structure of public sector employees, in compliance with the Advisory Committee's recommendation as to the implementation of efficient measures. The Advisory Committee also advocates targeted support to facilitate the learning of the Serbian language by applicants or personnel from national minorities, but language proficiency requirements should not go beyond what is necessary for the given post, having in mind that requirements that unjustifiably restrict access to employment are incompatible with the standards embedded in the Framework Convention.

IX – National councils of national minorities

The strategic objective has led to a harmonised legal framework allowing for the smooth operation of national councils and councils for interethnic relations. For the purpose of implementing the legislation in practice, Chapter IX requires new results, activities and indicators guided by the Advisory Committee's recommendations: "Monitor and periodically review the implementation of the Law on National Councils of National Minorities in consultation with the Councils themselves, and commission an independent qualitative study on the functioning of the Councils, including an evaluation of their inclusivity, independence and representativeness, as well as their capacity to initiate intercultural dialogue and strengthen interethnic relations; design and implement new ways to represent and effectively involve persons belonging to national minorities in the decision making process at local level, in all areas traditionally inhabited by national minorities or where they live in substantial numbers, including larger cities; further reinforce the resources allocated to the Budget Fund for National Minorities, depending on economic capacity."

X – Economic status of members of minority communities

²⁴ Advisory Committee on the Framework Convention for the Protection of National Minorities, ACFC/OP/IV(2019)001, Article 4

The strategic objective has been reached in terms of improvements made to the economic status of members of minority communities, but it was impossible to verify the actual scope of the measures of economic empowerment due to generic and imprecise indicators, or to create a direct link between the investment measures and the economic status of national minorities, due to a lack of disaggregated data. The Advisory Committee has also recommended more work on Chapter XI, suggesting in its Fourth Opinion that the authorities should prioritise the economic revitalisation of areas where persons belonging to national minorities reside, including the improvement of infrastructure and incentives for more employment opportunities, while stepping up their efforts to ensure the effective participation of Roma in economic and social life by designing policy measures based on disaggregated data, setting up clear indicators, monitoring them in close cooperation with Roma representatives, with a view to adapting and strengthening them on a periodical basis.

XI – International cooperation

The strategic objective to promote “international cooperation between the Republic of Serbia and the home countries of national minorities in terms of the position of national minorities in the Republic of Serbia” has been accomplished, but it was impossible to conclude from the reports if it had been “promoted.” Certain activities were not completely adequate with a view to reaching the objective, and they need to be redefined. The indicators were not measurable, and initial, basic and targeted values need to be set for them to be measured.

The Advisory Committee has put special emphasis on the importance of minority issues in bilateral relations with the neighbouring EU states (Croatia, Hungary, Romania), since some of them made their support to Serbia’s candidate status, or to the opening of certain chapters in the accession talks with the Union, conditional on improvements to the position of certain minority groups in Serbia. Besides, the Advisory Committee has also unveiled uneven dynamics in the meetings of joint committees and a slowdown in bilateral cooperation with the neighbouring states in the recent years, mostly due to political attention focused on the EU accession process. Given the importance Serbia has for the political stabilisation and economic development of the entire region, the Advisory Committee has underlined the positive impact of bilateral cooperation on the position of national minorities, particularly in terms of the economic development of areas in Central and Southern Serbia inhabited by persons belonging to national minorities, calling upon the authorities to enhance bilateral cooperation related to the protection of national minorities with the neighbours, the EU- and non-EU states alike.

2.2.2.3. Activities

Generally speaking, activities have led to results, but between the results and the activities there was seldom a concrete link, so it was unclear which activity had led to which result. Some activities were inadequate due to lengthy and extensive descriptions, which sometimes included as many as seven sub-activities that could have been defined as separate activities each (Activity 3.1, 3.4 or 1.9). Indicators had been set for each activity, but they were impossible to measure and imprecise, sometimes insufficiently diversified against impact indicators, too. Some activities were described in an almost identical way, and it was very difficult to discern the purpose of each (Activity 3.1 and 3.4), while the content of some others would appear to be very similar in the process of realisation (Article 8.13 - 8.17). The most systematic and logically connected were normative activities (Chapter IV – National council of national minorities, Chapter I – Personal status position, VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises), while other activities generally displayed a lack of logical consistency and operative viability at the level of results. In terms

of activities, there is a generally vague criterion against which the level of a desired intervention has been defined across the Action Plan, creating disproportions in the planned activities ranging from organising a round table debate (8.11) to discussing amendments to the Constitution (2.8). Underestimated capacities for implementation of the activities created delays in carrying out one, and consequently, the subsequent few as well.

The total number of activities provided by the Action Plan was 115, of which 59 (51%) were completed, 43 (37%) were partially completed or the indicators were not fully met, while 13 (11%) were not completed.

2.2.2.4. Activity completion by chapters

I – Personal status position

According to a “traffic light system” for activity completion, all (nine) planned activities have been completed. Precise deadlines were attached to seven, and two were implemented continuously. Two activities, 1.6 and 1.7, met the deadlines, five (1.1, 1.2, 1.3, 1.4 and 1.5) were completed, but behind schedule, and two continuous activities (1.8 and 1.9) are running successfully.

Activities that have been implemented, but off schedule

Three normative activities (1.1, 1.2 and 1.3) were behind schedule. Amendments to the Law on the Protection of Rights and Freedoms of National Minorities (1.1) and amendments to the Law on Civil Records of Births, Deaths and Marriages (1.2) were two years late, and a related by-law a year. In addition, one of the indicators for Activity 1.5 (*Percentage of employees in local self-government units attending each of the training programmes held*) was impossible to determine, because the number of employees attending the training compared to the total number of employees in the local self-government units was not available in the implementation reports.

Completed activities

1.6. To secure full realisation of the activities related to the implementation of the tripartite Memorandum of Understanding signed by the Ministry of State Administration and Local Self-Government, the Protector of Citizens and the United Nations High Commissioner for Refugees (UNHCR), Office in Serbia, particularly when targeted at full enforcement of regulations governing the entry of facts and data into civil records, and assistance to persons in various procedures related to civil status. The deadline for this activity was the last quarter of 2016, and according to the AP implementation reports, it has been successfully completed. Even so, quarterly reports offer additional information on the completion of related activities, and finally in 2019 a new Memorandum of Implementation was recorded as the successor to the agreement that had been the subject matter of this activity.

Recommendation: Since this activity is continuous by nature and tied to the deadlines provided by the first Memorandum, a review should link it to the new Memorandum instead, setting new deadlines that are not pinned to the end date.

1.7. To develop and implement electronic procedures for the exchange of data and documents between registrars and other bodies and institutions involved in the procedure of entering the fact of birth into the Register of Births... The Ministry of State Administration and Local Self-Government has set up

electronic procedures in keeping the Register of Births, and most of municipal and city administrations have also switched to electronic entry of facts and data into the Register of Births within the Central System of E-Registers. Aside from relevant information provided by the reports, there's plenty of data unrelated to the activity and indicators, which makes it very difficult to monitor its completion.

1.8. To monitor the exercise of the right to enter the fact of birth into the Register of Births. The activity has been implemented continuously and successfully, and the reports offer information on the realisation of most of the indicators (the number of supervisions conducted, the number of ordered/implemented measures). The reports also contain the number of subsequent entries of the fact of birth made into the Register of Births, but fails to specify the proportion of these entries in the total number of entries spanning a year (Indicator 4).

1.9. To continue informing Roma, Egyptians and Ashkali on their rights related to personal status and providing free legal assistance. This activity is actually an amalgam of two activities. The first, with a continuous deadline, is to inform Roma, Egyptians and Ashkali on the rights in connection with their personal status and to continue providing legal assistance. According to the "traffic light method," the activity has been running successfully. The other part, implemented continuously since the first quarter of 2017, "to reinforce access to free legal assistance under the Law on Free Legal Assistance" has been successful, but with a delay of two years and eight months, as the implementation of the Law began in October 2019.

Recommendation: This is still a relevant activity whose realisation should continue for the purposes of more effective implementation and simplified reporting, but it needs to be separated into two activities with measurable indicators. In addition, it is necessary to clearly identify mechanisms for the collection and systematisation of data at the local level and by civil society, so as to prevent data duplication/repetition and irrelevant reporting.

II – Prohibition of discrimination

According to the "traffic light method," out of eight prescribed activities, seven have been "fully completed." The only activity that hasn't been is to "consider amending the Constitution in the part of it referring to the use of affirmative action in order to eliminate possible ambiguities and harmonise provisions," which objectively cannot be implemented before its promulgation.

Activities 2.4, 2.5 and 2.7 have been found to run in continuity, and as to the remaining four, the same analysis has shown that not all pre-defined indicators were met, nor a reason for the failure offered.

Completed activities

2.4. To initiate a process to protect against hate speech. The activity is implemented.

Recommendation: To define the values against which an indicator can be measured.

2.5. To carry out training designed to raise awareness among all stakeholders in the criminal justice system about the importance of prosecuting hate crimes. The activity has been completed.

Recommendation: To define initial, intermediate and targeted values against which the number of training programmes and of participants can be measured.

2.7. To implement effective investigations, qualify adequately and prosecute efficiently the perpetrators of offenses involving the elements of ethnic hatred and animosity, racial, religious and other form of discrimination... The activity is implemented in continuity.

Activities that are implemented, but where not all prescribed indicators have been met

2.1. To provide a fast and detailed response to the findings and recommendations of the Protector of Citizens, the Provincial Ombudsperson and the Commissioner for the Protection of Equality... Since 2016, the reports have referred to various activities taken by the Commissioner for the Protection of Equality, while the Protector of Citizens advised the readers of several of his reports to seek required information on the website of the Office. In 2016 the Provincial Ombudsperson reported on his research, describing the situation as “unchanged” since. Accordingly, only Indicator 3 has been met, namely, “providing persons belonging to national minorities with continuous access to findings and recommendations” presented by independent bodies. Based on the reports, it’s impossible to reach a conclusion as to how many recommendations by the Protector of Citizens have the authorities fully implemented (Indicator 1), while there is also no information “about measures taken to ensure the efficient processing of complaints filed” (Indicator 2) or information about “the number of proceedings initiated before other bodies” (Indicator 4).

Recommendations: To define more specific indicators and link them with the competences of each activity stakeholder; to rephrase the indicators and set up initial, intermediate and targeted values to make them measurable (more about the recommendations in the 2018 Analysis of the Action Plan); to involve representatives of independent bodies in the process of defining the activities and indicators for the next Action Plan.

2.2. To raise awareness among the general public, persons belonging to national minorities, officials and employees in public authorities at all levels of the existence of national minorities in the country, their rights and the right to affirmative action when necessary. The activity has been completed. Indicator 3, namely, “surveying citizens to gauge their satisfaction with public service programmes designed to raise awareness of the rights of national minorities,” has not been met. The others were, but were impossible to measure, as no initial, intermediate and targeted values had been set as points of reference against which to compare the number of minutes the public broadcasters had used to raise awareness of the rights of national minorities (Indicator 1), the number of training programmes for officials and employees in public bodies (Indicator 3) and the quantity and type of advertising materials to promote the rights of national minorities (Indicator 4).

Recommendations: To rephrase the indicators, and set up initial, intermediate and targeted values to make them measurable; specify the role of each implementing body.

2.3. To suppress hate speech in the media and on social networks. The activity cannot be considered completed, as none of the indicators have been met. The reports do not offer information as to “the number of measures taken to prevent the spread of hate speech through the media and social networks and a decrease in the spread of hate speech” (Indicator 1), and, similarly, there’s no information that might document an increase in “the number of media reports denouncing hate speech” (Indicator 2), or information on “independent analyses and studies to confirm that the number of cases of spreading hate speech through the media and social networks has been reduced” (Indicator 3).

Recommendations: Rephrase the indicators in accordance with the recommendations offered in the previous Analysis of the Action Plan, released in 2018, and define the values so as to make them measurable.

2.6. To reinforce public awareness of the causes and consequences of hate crimes and zero tolerance to such acts. Even though the reports released after 2016 contain ample information about hate crimes, it is impossible to conclude based on that information if the indicators have been met or not – there are

no statistics as to “the number of minutes the public media services used annually to raise awareness of the causes and consequences of hate crimes” (Indicator 1), nor is there evidence that “the number of acts of violence and hate speech against persons belonging to national minorities has been reduced” (Indicator 2). Indicator 3 has been met.

Recommendations: Rephrase and set up measurable indicators, with clearly defined initial, base and targeted values.

2.8. To consider amending the Constitution in the part referring to the use of affirmative action in order to eliminate possible ambiguities and harmonise provisions. The activity hasn’t been completed, and the indicator hasn’t been met, because the realisation of either depends on amendments to the Constitution.

Recommendations: Rephrase the activity and consider the idea of changing the implementing body, as the National Assembly’s Action Group for Political System Reform stopped working.

III – Culture and media

Culture

Even though under the “traffic light criteria” two activities have been described as “fully completed,” the reports say that “contests for financing and co-financing projects in the field of contemporary creativity, the area of cultural activities of national minorities,” and “incentives for the procurement of books in the languages of national minorities in the field of contemporary creativity,” were realised, but there is no information about “contests in the areas focused on the protection of cultural heritage of national minorities.”

3.10. A contest for financing and co-financing projects in the field of contemporary creativity, the area of cultural activities of national minorities... It is difficult to monitor the activities because of an overly extensive description, covering seven sub-activities, each of which can be a separate activity with a separate indicator to be attached to it, and a separate implementing body. A benchmark against which to compare “the number of contests and projects for national minorities” is unclear, because no initial, intermediate and targeted values have been set for this activity. The activity is carried out based on “contests for financing and co-financing projects in the field of contemporary creativity and the area of cultural activities of national minorities” conducted by the Ministry of Culture, the Provincial Secretariat for Culture, Public Information, Relations with Religious Communities and Local Self-Government Units. The activity is continuous by nature, requiring opinions to be provided by national councils of national minorities, invited by law to take part in the decision-making process as to individual issues related to their culture. The activity has not been completed in terms of the “contests for financing and co-financing projects in the area of protection of cultural heritage” in the given areas, because the Ministry does not possess relevant data, as “national affiliation” is not one of the contest criteria.²⁵ The same conclusions apply to the indicators related to “the number of contests” (Indicator 1), “the number of projects (Indicator 2), and “the level of funding allocated to national minorities”²⁶ (Indicator 3).

²⁵ Ibid. page 25

²⁶ Ibid.

Recommendations: Rephrase the text of the activities. Determine initial, intermediate and targeted values for the indicators to be used to measure the contests, and specify implementing bodies for each activity. Discuss the way in which the contests in the field of protection of cultural heritage of minorities will be monitored and specify implementing bodies. Identify a solution for monitoring the realisation of activities based on reports by local self-government units, since not all local self-governments send them.

3.11. To encourage the procurement of books in the languages of national minorities in the field of contemporary creativity. The activity is implemented.

The activity is implemented continuously, and the Ministry and national councils possess accurate data on the number of publications in minority languages reported and purchased via annual contests for the buyout of publications for libraries across Serbia, based on: 1. Application forms used for contests for the purchase of publications (Form No. 2), where publishers are requested to provide information about the publications they enter for a chance to win the contest in the section “language/national minority,” and 2. Application forms used in contests for co-financing representative and valuable works, native or translated, which contain the question related to the language from which a book offered in the contest is translated. As underlined in the previous Report on the Action Plan, publishing, as a creative industry, involves “the existing assortment of publications issued by Serbian book publishers, including books in the languages of national minorities, as well as the interest of reading audiences, that is, library users, regardless of national affiliation,” while the literary holdings are replenished in accordance with the need “for publications from foreign and native countries, using project financing to cater for the needs of persons belonging to national minorities in a community.” Likewise, “the purpose of a contest for the purchase of publications is not buying and importing books from abroad, but rather enriching library catalogues by supporting publishers in the territory of the Republic of Serbia,” while “the existing contest for cultural activities of national minorities is used to co-finance publications in the languages of national minorities and translations thereof.”²⁷

Recommendations: Rephrase the indicator and set initial values against which to measure “the number of purchased publications in the languages of national minorities.”

In February 2020, the Government of Serbia adopted the Culture Development Strategy 2020-2029, together with an Action Plan, but it has yet to be passed the National Assembly. Among other things, the Strategy is based on the following principles: commitment to protecting and fostering national culture; protection of the cultural rights of national minorities; promotion of mutual understanding and equal inclusion in cultural life by vulnerable groups. That same year the Law on Amendments to the Law on Culture was passed as well.²⁸

Media

Most of the activities have been completed, but less than half of them according to plan and at the expected pace. According to the “activity completion traffic light,” out of 11 planned activities four, described as continuous, have been realised in line with the planned dynamics (3.4, 3.5, 3.6 and 3.7). Five are being implemented, but off schedule (3.1, 3.3, 3.8, 3.12 and 3.13). Out of four activities for which deadlines had been set, none were completed on schedule. Two activities haven’t been realised (3.2 and 3.9).

Completed activities

²⁷ Ibid.

²⁸ Official Gazette of the Republic of Serbia No. 6/2020

3.4. *To secure sufficient and stable funding that guarantees the sustainability of media in minority languages through...* It is difficult to monitor the implementation of this activity, because it's similar to Activity 3.1, and because the text is much too extensive, listing a series of sub-activities, which can be separate activities each, with no indicators attached. Activity 3.4. is completed when it comes to continuous budget support to the media owned by the national councils of national minorities (Point 4, Indicator 1), co-financing of the media in the languages of national minorities (Point 6, Indicator 6), improved by-laws with respect to project co-funding (Budget Fund allocations as of 2018, Point 1, Indicator 3) and continuity in scheduling contests for co-financing of media content in the languages of national minorities, with full respect to the opinions of national councils as to the allocation of funds (Point 5, Indicators 4 and 5). Programme-based financing of the media content founded by national minorities (Point 2) has been partially completed, and it needs to be made more specific, since the Budget Fund for National Minorities does not provide continuous support for media content.²⁹ Securing the participation of the councils of national minorities in the work of the Council of the Regulatory Authority for Electronic Media - REM (Point 7, Indicator 7) is an activity that hasn't been implemented from the beginning.

Recommendations: 1. Rephrase the text of the activities and sub-activities; 2. Rephrase Indicator 4, as no criterion has been set to assess the relevance of the number of opinions provided by the national councils, and to conduct adequate co-financing. The same goes for local self-government units, obligated to obtain the opinions of the national councils.³⁰

3.5. *To raise public awareness of the rights of national minorities and respect cultural and linguistic diversity by supporting the production of media content, in order to achieve equal rights and further strengthen the understanding of the culture of national minorities as an integral party of society as a whole.* Continuity in the implementation of the activities is evident in projects in the field of public information, raising awareness in the majority population of the rights of national minorities, while respecting cultural and linguistic diversity, co-financed by the Ministry of Culture and Information, the Provincial Secretariat for Education, Regulations, Administration and National Minorities. On the other hand, as noted in the previous Analysis of the Action Plan,³¹ it is impossible to measure the level to which the indicators have been met, because initial, intermediary and targeted values are lacking for an assessment of whether media content has raised public awareness of the rights of national minorities (Indicator 1), and if the number of minutes devoted to minority rights has increased in the prime-time news programmes of the public media services (Indicator 2).

It is also unclear why "the opinions and proposals of the national councils should be given special attention in allocating funds for media content dealing with the aforementioned theme," given that the national councils were not specified as implementing bodies (Indicator 3).

Recommendations: 1. Define initial, intermediate and targeted values against which to measure if public awareness of the rights of national minorities has been raised based on media content; 2. Specify a criterion on the basis of which an increase in media content is measured, as media content includes newspaper articles, Internet content, radio and TV shows or parts of these media contributions³² (Indicator 1); 3. Discuss if it is feasible to measure the number of minutes in the central news programmes of media services "focused on raising awareness of the rights of national minorities"

²⁹ Analysis of Reports on the Implementation of the Action Plan for the Exercise of the Rights of National Minorities by Professor Vladimir Đurić and Aleksandra Vujić, Ph.D., released in November 2018 and supported by the Council of Europe within the programme Horizontal Facility for Western Balkans and Turkey.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

(Indicator 2), and if the distribution of funds for media content can be measured based on proposals and opinions provided by the national councils, having in mind that not all the councils deliver opinions, that they do not necessarily coincide, and that these bodies do not offer opinions about content devoted to minorities, but presented in the Serbian language. The same goes for the question as to how to monitor the implementation of activities by the city/municipality, as some local self-governments do not deliver reports.³³

3.6. To provide support for organisations of national minorities in preparing project documentation they need to enter contests for co-financing media content in the languages of national minorities. The reports lead to a conclusion that there is a continuity in financing the organisations whose projects focus on national minorities, but it is difficult to decide if the indicators have been met, as no initial, intermediate and targeted values were set as benchmarks against which to measure an increase in the capacity of civil society organisations to prepare project documentation (Indicator 1) and determine how many project proposals related to national minorities have been approved (Indicator 2).

Recommendations: Set up initial, base and targeted values to determine an increase in the capacity of national minorities to apply for project funding (the number of training programmes and participants), and how many project proposals by national minorities have been approved (the number of approved projects).

3.7. To increase the amount of content in the languages of national minorities presented by the public radio and television service, the Serbian Broadcasting Corporation (RTS), in accordance with Article 7 of the Law on Public Media Services and Article 17 of the Law on the Protection of Rights and Freedoms of National Minorities... The reported data indicated that the Vojvodina Broadcasting Corporation (RTV) had been continuously airing content in the languages of national minorities, while it is impossible to find out if and to what degree the Serbian public service (RTS) had completed Activity 3.7. It is also unclear if the indicators have been met, because, as noted in the previous analysis³⁴ as well, the Action Plan had failed to define the initial, intermediate and targeted values against which to measure and compare information on the number of editorial teams set up to produce programme in the language of national minorities (Indicator 1), the number of newscasts in minority languages (Indicator 2) and the number of RTS minutes in minority languages (Indicator 3). The Report covering the second quarter of 2020 said that the “regulator” would prepare annual reports on the work of public media services, stating also the duration of programmes aired in minority languages, but aside from a link to the document, there is no other connection with the indicators set up by the Action Plan. Recommendations: 1. Rephrase the text of the activity, since each of the five points constitutes a separate activity, which needs a separate indicator and a separate implementing body. 2. Define initial, base and targeted values against which to monitor the pace at which the minority news desks are established, the number of newscasts and minutes in minority languages aired by the RTS. 3. Incorporate the regulator’s data on programme content in the languages of national minorities in the context of the indicators defined by the Action Plan.

Activities that are implemented, but where not all indicators have been met.

3.1 – To ensure the application of Articles 6 and 9 of the Framework Convention and Article 11 of the European Charter for Regional or Minority Languages by identifying the optimal model from amongst different modalities... The realisation of this activity is difficult to monitor, because the description of it suggests seven sub-activities, each of which can be a separate activity, with separate indicators and

³³ Ibid.

³⁴ Ibid.

implementing bodies assigned to them. Instead, there is a single indicator attached to all seven sub-activities, described as “a suitable model that provides financial sustainability for the media in the languages of national minorities...” Likewise, Activity 3.1. and its sub-activities nearly coincide with the sub-activities listed under Activity 3.4., which makes it very difficult to decide if and to what degree the activity has been completed. Based on the “traffic light method,” the activity can be described as “partially completed” in 2016 and the first two quarters of 2017, and that until the first half of 2020 it was “almost fully completed.” It is unclear to what sub-activities the conclusions refer to.

As noted in the previous Report on the Action Plan: “An adequate model to provide financial sustainability for the media in the languages of national minorities, and to protect the existing level at which the right to information in the languages of national minorities has been exercised through an inclusive process that also includes consultations with national minorities, has not been sufficiently developed.”³⁵ Project-based co-financing of media content in minority languages is conducted continuously (Point 1), but the available data failed to describe the extent of the role the national councils had in the process, or whether their opinions were obtained and acknowledged regularly in distributing the funds. Programme-based financing of the media whose founders/editors are the national councils of national minorities (Point 2) needs to be defined more precisely, because the Budget Fund for National Minorities does not provide continuous support to media content (see Activity 3.4). The media owned by the national council are excluded from the process of privatisation (Point 3), but information is lacking as to the impact of privatisation and digitalisation on minority language media, in consultation with national minorities. This is very important to note given reported data on the negative consequences the privatisation may have in terms of changed minority content and a lack of funding to release and publish it (Point 6). Data to be used to measure an increase in the quantity of content in minority languages broadcast by the public TV and radio services (RTS and RTV), as set in Point 4, are not systematised, but delivered sporadically, and the criteria against which the data are measured are unclear, because the initial values have not been set.

Recommendations: 1. Rephrase the activity and set new indicators for each sub-activity, in order to improve the existing segments of information in the languages of national minorities, and to develop an adequate model that can secure financial sustainability of minority media; 2. Formulate in more specific terms the role of the national councils while they provide opinions in project co-financing contests. 3. Perform an analysis of the effects of privatisation on minority language media. 4. Set up initial, intermediate and targeted values against which to measure an increase in the quality of content in the languages of minorities appearing in public services; 5. Set up a system for disaggregation of information in reports, as they now involve too much content unrelated to the specific chapters.³⁶

3.3. To ensure sustainability of the media, including the production of media content, founded indirectly by the national councils of national minorities through different forms of financing, under the law specifying the forms of activity to be performed by the national councils. The deadline for Activity 3.3. was the second half of 2017, but until the second half of 2018 it remained “partially completed,” and until mid-2020 it was “almost fully completed” (with a note that the most recent data in the report refer to the second quarter of 2019). Bearing in mind the importance of securing sustainability of the media and the production of media content founded by the national councils, the status of this activity should be “continuous,” while it needs to be discussed if aside from financing regular activities performed by the national councils and subsidies granted by provincial authorities, the Budget Fund can be a

³⁵ Ibid.

³⁶ For example, information has been given on education, delivering New Year gifts to children and the opening of an art colony.

sustainable solution for providing information in minority languages, because the Fund's financial resources are rechannelled by law to support projects in other areas as well (information was the priority in 2017 and 2018, while in 2019 it was the promotion of cultural activities, and in 2020 it was education).

3.8. To ensure the visibility of programmes aired by public TV services across the territory of Serbia within a system of cable operators. According to the “traffic light method,” the realisation of Activity 3.8. didn't begin until the third quarter of 2017, but it has been implemented continuously since.

3.12. To provide professional training for journalists and other media professionals, in order to improve reporting on minority issues and provide balanced and objective reports. Reports indicate that the activity was implemented continuously from 2017 to the end of 2019. There are no data for 2020, and it remains unclear in what way the “traffic light method” was used to denote it as “fully completed.”

Recommendations: Define initial, base and intermediate values for the number and structure of training programmes and the number of participants, to make the indicators measurable.

3.13. To analyse the potential cost of translating programmes in minority languages into Serbian, which would give all citizens access to media content in minority languages, including special areas/themes, sustainability and benefits of social integration and the development of multicultural society as a whole. Even though Activity 3.13. should have been implemented continuously since 2017, information about the cost analysis for the translation of programmes from minority languages into Serbian was either incomplete or missing altogether, which is why it is unclear how the “traffic light method” determined Activity 3.13. as almost fully completed in the second half of 2018, 2019 and 2020. There is no indication of “a conducted cost analysis” (Indicator 1) or of “identified special areas/themes” (Indicator 2).

Recommendations: Specify what the “conducted cost analysis” should look like to make the indicator measurable, or how it will be measured whether the special areas/themes have been identified (Indicator 2).

Uncompleted activities

Activity 3.2. To ensure sustainability of the media, including the production of media content, founded indirectly by the national councils of national minorities in the transitional period until the entry into force of the new Law on the National Councils of National Minorities. This activity should have been implemented from 2016 to the passage of the new Law on Amendments to the Law on National Councils of National Minorities, but it wasn't. Reports do not offer any reasons why.

Recommendation: Activity needs to be rephrased.

Activity 3.9. To make possible the participation of national minorities in electing members of the REM Council and the editor-in-chief of the minority language programme. Activity 3.9 is a continuous activity, but it wasn't implemented until the end of 2019, when the National Assembly, under the auspices of the European Parliament, elected three new members to the Regulatory Authority for Electronic Media (REM), one of them nominated by the Coordination of National Councils of National Minorities. Accordingly, it is unclear why the activity was described as “fully completed” in 2016 and in 2017 (the first quarter), while in 2017 (the last two quarters) and 2018 (the first quarter) it was referred to as “partially completed.” The 2020 Report (the first quarter) has failed to clarify if the member nominated by the Coordination was still a member of the REM, as the Report only says that “the opinion of corresponding national councils of national minorities was sought and obtained.”

Recommendation: Deliver precise data on the participation of national minorities in the REM.

After the Action Plan was adopted in March 2016, the Strategy for the Development of Public Information System in the Republic of Serbia for the period 2020-2025 was passed in December 2018. Media privatisations were completed as well, with the media owned by national councils excluded from the process for a period of five years, until 2020. In June 2019, the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities published its Fourth Opinion on Serbia, welcoming the fact that the Budget Fund for National Minorities would focus on the media, and that the Media Strategy would be passed as well.

IV – Freedom of religion

Out of three activities, a deadline was set for one, and the other two were continuous by nature. One was completed successfully within the deadline, and the other two have been implemented continuously (one fully completed, the other one partially).

Completed activities

4.1. To conduct a professional comparative legal analysis of regulations governing the status of churches and religious communities. A comparative analysis of legal solutions related to the position of churches and religious communities in the region's EU member states was prepared within the deadline, together with recommendations.

4.2. To implement recommendations arising from the analysis of best practices in the region's EU member states. According to the "traffic light method," Activity 4.2. is implemented successfully. On the other hand, even though the activity indicates that the recommendations have been implemented, reports on its realisation are rather vague as to what recommendations are subject matter of Activity 4.2, which makes it impossible to connect the reported data with specific recommendations from the Analysis. The result indicator is imprecise, too, failing to specify which recommendations it refers to (*Implemented recommendations arising from the Analysis*), which makes an assessment of the activity completion all the more difficult.

Recommendation: Connect specific recommendations with activities and concrete implementing bodies, in order to facilitate implementation monitoring.

4.3. To encourage intensive dialogue, respectful of the principle of a separation of church and state, between representatives of the Serbian Orthodox Church and the Romanian Orthodox Church, in order to identify a pragmatic solution. According to the "traffic light method," the activity has been implemented successfully, completed fully until the last quarter of 2018, and only partially since. A negative trend has been noted insofar as information is not furnished, while the pace at which the activity develops has slowed down. The reports on realisation suggest as a pragmatic solution that a joint mixed committee be set up by the Governments of Serbia and Romania and the two states' Orthodox Churches, cautioning though that no further steps have been taken in terms of the establishment or operation of the new body. With this in mind, the conclusion is that the activity hasn't been completed.

Recommendation: Activity 4.3. has been assigned an inadequate indicator (*A pragmatic solution...found through a church dialogue*). Having in mind that the Government of Serbia is the implementing body, and that the said solution can be reached by the two Churches alone, the indicator should be attached to activities falling in the domain of the Government (the number of meetings held, etc.)

V – Use of language and script

A detailed insight into the reports on realisation allows us to conclude that out of 14 planned activities, seven have been completed, five have been either partially completed or their realisation cannot be confirmed with certainty, while the remaining two have not been realised.

Completed activities

5.1. To improve the work of public authorities in local self-government units in terms of making an entry into civil records of a personal name, using the language and script of a national minority. The activity was completed within the deadline, based on the preparation and distribution to all local self-government units in charge of civil records of an Instruction as to the manner in which an entry is made into civil records of the name of a person belonging to a national minority. Together with the Instruction, a Notification was also prepared of the procedure and method for making an entry of the personal name of a member of national minority.

5.2. To train registrars and their deputies. The activity has been completed within the deadline; eight training sessions were organised for 335 registrars and deputy registrars.

5.3. To reinforce supervision over making an entry into civil records of a personal name in the language and script of a national minority. The activity has been implemented continuously; the administrative inspectorate has ordered 57 measures, 47 of which have been enforced.

5.5. To encourage a flexible introduction of minority languages into official use. Activity 5.5. has been implemented successfully due to the existence of a normative basis that allows for flexibility in the application of rules governing the introduction of minority languages as official languages.

Recommendation: The activity needs to be improved so as to increase its measurability. At this point, it lacks initial, intermediate and end values against which to follow the number of local self-government units where a minority language is in official use as the result of the flexible approach.

5.10. To provide electronic information, services and documents on the e-Uprava (e-Government) Portal in the languages of national minorities. The activity has been implemented continuously by making information, services and documents available on the e-Government Portal in the languages of national minorities (Hungarian, Ruthenian, Slovakian, Croatia and Romanian).

Activities that have been implemented, but behind schedule

5.6. Amendments to the Law on the Protection of Rights and Freedoms of National Minorities/the Law on the Official Use of Languages and Scripts have been introduced a year late.

5.11. Analysis of the normative framework regulating the official use of languages and scripts in judicial and administrative proceedings has been conducted a year late.

Partially completed activities

5.4. To provide and distribute funds to bodies and organisations in the territory of local self-governments where at least one language of a national minority is in official use. The activity is implemented successfully and within deadlines only in the territory of the Autonomous Province of Vojvodina. The reports do not offer data on the distribution of funds from the Budget of the Republic of Serbia in municipalities outside the Autonomous Province of Vojvodina, while data related to local self-government units are available for some municipalities only, unsystematically at that.

Recommendation: Since the distribution of funds to local self-governments where at least one minority language is in official use is of relevance to future strategic documents as well, it is important to set up an effective monitoring mechanisms for the provision and distribution of funds outside the territory of the Autonomous Province of Vojvodina, with precise initial, intermediate and targeted values.

5.7. To raise awareness among persons belonging to national minorities with regard to the exercise of the right to use minority languages. The activity is implemented in a number of local self-government units, which have also submitted their reports regularly, but it is impossible to measure the total result, as a large number of municipalities failed to furnish data. In addition, it was impossible to measure the indicator (an increased number of persons belonging to national minorities exercising the right to use the language and script of a national minority), as no initial and target values had been set.

Recommendations: Define initial, base and intermediate values in terms of persons belonging to national minorities exercising the right to use a language and script, so as to make it possible to monitor the impact of an awareness-raising campaign on the degree to which the right to the use of language and script has been accomplished.

5.9. To provide translation into the languages of national minorities for local self-government units. The activity has been partially completed in the local self-government units sending their reports regularly, while it is impossible to determine the level of accomplishment in others for the lack of data.

Recommendation: Establish an effective mechanism to monitor the introduction of translations in all relevant self-government units, with specified initial, intermediate and targeted values.

5.12. To reinforce the preventive role of a fine and provide for more effective punishments for breaches to the Law on Official Use of Languages and Scripts. The amendments to the Law on the Protection of Rights and Freedoms of National Minorities and the Law on the Official Use of Languages and Scripts created normative fundamentals for a stronger preventive role of fines. It is impossible to determine if the indicator (the number of fines pronounced) has been met though, because reports on the realisation of the Action Plan do not offer statistics thereof.

Recommendation: Rephrase indicators for this activity, because the number of fines pronounced does not reflect the preventive effect of a punishment, but rather the efficiency of authorities in the proceedings.

5.13. To publish regulations in the languages of national minorities. The activity has been partially completed based on amendments to the Law on the Protection of Rights and Freedoms of National Minorities, creating a normative base for publishing regulations in minority languages. It is impossible, however, to determine if the indicator (the number of laws published in the languages of national minorities) has been met, because the reports do not specify the figure.

Recommendation: Establish the initial state as to the availability of laws in minority languages, and set up initial and targeted values in terms of plans to translate legal text, so that the availability of legal texts in minority languages can be monitored and measured.

Uncompleted activities

5.8. To enable recording of court proceedings. As necessary amendments to relevant legislation have not been passed, the activity hasn't been completed, even though part of the required technical equipment exists.

Recommendation: It would be reasonable to divide Activity 5.8. into two separate activities, as it actually covers two different processes – amending the Civil Procedure Law and meeting technical

requirements to make recording of court proceedings possible. It would facilitate the monitoring, as separate, clear indicators would be set for the amendment process (Activity 1), and the number of recorded court proceedings in minority languages, compared to the total number of proceedings in minority languages would be required for the other activity (Activity 2).

5.14. To review the network of courts so as to improve access to courts for persons belonging to national minorities. The activity hasn't been completed, because the Judicial Development Strategy, to which it was tied, has been delayed.

Recommendation: Define a new deadline for the completion of Activity 5.14, and set it up independently from the Judicial Development Strategy.

VI – Education

All 21 activities have been implemented, but are running behind schedule, failing also to fully meet the indicators. Most of the activities for which deadlines were set are off schedule, but their implementation continued after the deadlines expired. The activities denoted as “continuous” have been run as planned, meeting the indicators. To make the implementation of the activities more effective in the future, it is necessary to define less ambitious indicators and change the status of some activities to “continuous.”

Completed activities

6.1. To conduct an analysis including the following: a comparative legal analysis of education models implemented in the languages of national minorities in the European Union, and an analysis of the situation in the Republic of Serbia. Recommendations as to the introduction of new models should accompany the analysis.

Delays have been reported in the implementation of the activity. An analysis of education models implemented in minority languages in Serbia and other states, together with recommendations, was conducted in 2019 (Indicators 1 and 2). The reports have documented the completion of the activity, and it is unclear why its status is “almost fully completed.”

6.2. To establish a group within the National Education Council to deal with education in the languages of minorities. The activity has been completed as planned.

6.6. To develop further professional training programmes for teachers and associates teaching in the languages of national minorities. The activity has been implemented continuously.

Recommendations: Define initial, intermediate and target values to measure “the number of professional training programmes for teachers and associates (Indicator 1), and “the percentage of teachers who attended relevant programmes” (Indicator 2).

6.9. To implement programmes within curricular and extracurricular activities to encourage learning Serbian as a second language. Activity 6.9 has been completed and its indicators met, with a note that the data largely refer to the municipalities of Preševo, Bujanovac and Medveđa and partly to Subotica, where a project by the OSCE Mission was implemented.³⁷

³⁷ The Project to implement a set of recommendations from the Study “Teaching and learning Serbian as a second language in primary schools in Preševo, Bujanovac and Medveđa” (2014) has been run by the Ministry of Education, Science and Technological Development of the Republic of Serbia, and the Office of the Coordinating Body of the Government of Serbia for the Municipalities of Preševo, Bujanovac and Medveđa, supported by the Office of the OSCE High Commissioner on National Minorities.

Recommendations: Having in mind the importance of teaching and extracurricular activities that can encourage learning Serbian as a second language, it is necessary to change the status of Activity 6.9. to “continuous” and implement it in other parts of the Republic of Serbia as well. It is also necessary to set up initial, intermediary and targeted values to follow “the number of extracurricular activities encouraging learning Serbian as a second language” (Indicator 3).

6.10. *To recognise foreign higher education qualifications by establishing the Enic-Naric Centre for the evaluation of foreign programmes of study.* The activity has been implemented continuously.

6.11. *To provide for all textbooks and teaching aids prescribed by the textbook plan...* The activity has been implemented, but it’s difficult to monitor, since the reports do not follow the deadlines set by the Action Plan.

Further, the memoranda and annexes thereof signed with the national councils and the Institute for Textbooks listed priority textbooks at the time of the signing (2016), but the launch of an education reform has led to expansion in demand, making them irrelevant. In keeping with the education reform, the Ministry of Education and the Institute for the Promotion of Education, in collaboration with the national councils of national minorities, produced reformed curricula as a precondition for the preparation of new textbooks, and the reform of teaching in minority languages goes hand in hand with the reform in Serbian-language curricula. The National Education Council created and adopted reformed curricula for primary school, covering the following subjects: Native language, Native language and literature and Native language/speech with the elements of national culture. The Ministry continued to work on the procurement of textbooks in the languages of national minorities that are still missing under the new curricula.

Recommendation: Change the status of the activity to “continuous,” given the importance it has, and the fact that its implementation continued in 2020, too. Rephrase the description of the activity and set up new, measurable indicators.

6.21 *To promote/campaign for different models of education for students belonging to national minorities...* The activity has been implemented continuously.

Activities that have been implemented, but failed to meet all indicators

6.3. *To develop and use models of education in the languages of national minorities by amending the legislative framework.* The activity was behind schedule, because its implementation was conditional on the pace at which Activity 6.1. had developed, and the latter had been delayed. Indicator 1, “the adoption of a changed legislative framework,” has been met, resulting in the release of several rulebooks, which as by-laws refer to, *inter alia*, curricula in minority languages. Available data do not make it clear if “different education models in the languages of national minorities were introduced in 2016 and 2017” (Indicator 2).

Recommendations: Rephrase and align Activities 6.1 and 6.3, and Indicator 2.

6.4. *To monitor the quality of education in the languages of national minorities.* The status of Activity 6.4. is “fully completed,” and it refers solely to reports on student achievements in the final examination (Indicator 1). The reports are vague as to if and how many instruments have been developed in the context of student linguistic competencies (Indicator 2), nor “the results of student/parent satisfaction surveys have been published” (Indicator 3).

Recommendations: Rephrase the text of the activity and indicators.

6.5. *To strengthen initial teacher education to ensure competence in the language of a national minority and in the Serbian language. To provide professional staff for the work in minority languages...* The status of Activity 6.5. is “fully completed.” Reported data have documented that “accreditation standards for programmes of study have been met” (Indicator 2). Based on extensive reported data that are not directly related to this activity, it is not possible to conclude if “an initial education model for teachers, securing competence in minority languages and in the Serbian language, has been developed” (Indicator 1). Likewise, “the number of teacher education faculties implementing the new education model” (Indicator 3) was not stated, nor were “the rules of eligibility to a student scholarship.” (Indicator 4)³⁸.

Recommendations: Rephrase the indicators so as to align them with the description of the activity, and set new deadlines for completion.

6.7. *To improve the education of teachers teaching Serbian as a second language, based on a needs/situation analysis and their enrolment in higher education institutions, following the identified needs.* The activity has been completed insofar as “the needs/situation analysis has been conducted in the context of education credentials of teachers of Serbian as a second language” (Indicator 1), but it is unclear what has led to the conclusion that “enrolment in higher education institutions corresponds with the identified needs” (Indicator 2), and there are no data to support it.

Recommendations: Rephrase the text of the activity and the indicators. Having in mind the importance of introducing a teaching and learning programme for Serbian as a second language under the new models, the status of the activity needs to change to “continuous.”

6.8 *To develop standards for Serbian as a second language, and implement a new curriculum for Serbian as a second language in primary and secondary schools, taking into account the initial understanding of the Serbian language.* As noted in the previous Analysis of the Action Plan, the activity was completed within the deadline in terms of “adopting standards for Serbian as a second language” (Indicator 1), and “adopting a curriculum for Serbian as a second language” (Indicator 2), but there has been no information about “textbooks prepared for the subject” (Indicator 3).

Recommendations: Extend the deadline for Activity 6.8, and rephrase the indicator related to textbooks.

6.12. *To strengthen linguistic capacity of students belonging to national minorities and teach them technical terminology in the language of a national minority to ease their access to the labour market and professional development.* The activity is implemented continuously. The reports do not contain data on “the number and structure of teaching aids” (Indicator 2).

Recommendations: Set up measurable indicators. Rephrase the description of Indicator 2.

6.13. *To optimise the network of schools and classes teaching the languages of national minorities in line with the Strategy for the Development of Education in Serbia by 2020, its Action Plan and specific features of each local community.* The activity has been implemented. Indicator 1 (A report on the cost of education under each model) has not been met.

Recommendations: Change the status of Activity 6.13. to “continuous,” since the reports from the second quarter of 2020 suggest that the need for the activity clearly goes beyond 2018. Define the manner in which information delivered by the councils for interethnic relations and local self-government units is monitored, bearing in mind that just some of them send reports. Set up initial values against which to monitor “the number of open classes corresponding with affirmative action in primary and secondary schools” (Indicator 4).

³⁸ The same was noted in the Analysis of the Action Plan of 2018.

6.14. *To strengthen capacity of professional and inspection services.* The activity is implemented in several fields – mapping teachers who have a command of a minority language and are willing to engage in offering advice and professional assistance; running a contest for the selection of advisors/associates; passing a Law on Education Inspection Service and a Rulebook on internal organisation and systematisation of jobs; preparing a handbook on the conduct of education inspectors; organising training sessions for education inspectors. The report does not offer any information about “the number of education consultants for teaching in minority languages/speeches per minority” (Indicator 1), or about “the number of inspectors controlling activities in the languages of national minorities” (Indicator 2), which is why it is impossible to decide to what degree the indicators have been met.

Recommendation: Rephrase the indicators and define values against which to determine the number of education consultants for teaching in the languages of national minorities and the number of inspectors controlling activities in minority languages. The status of the activity should be changed to “continuous.”

6.15. *To enhance the educational role of schools by developing tolerance and preventing segregation.*

Reported data illustrate many extracurricular activities encouraging tolerance and multiculturalism, organised by the Ministry of Education, the Institute for the Promotion of Education, the national councils and councils for interethnic relations (Indicator 1). Two rulebooks have been adopted, prescribing the recognition of segregation and institutional reaction to it: the Rulebook on detailed criteria for identifying the forms of discrimination by an employee, child, pupil or third party in the educational institution³⁹ and the Rulebook on the conduct of the institution in the event of suspected or established discriminatory behaviour and insult to the reputation, honour or dignity of a person⁴⁰ (Indicator 2). Based on the reports, it is impossible to determine if Indicator 3 (An analysis conducted and programmes revised with a view to encouraging multiculturalism) has been met.

Recommendation: Rephrase Indicator 3.

6.16. *To sign agreements with the countries whose national minorities are educated in Serbia.* The status of the activity is “partially completed,” but it is clear from the reports that since 2016 the Ministry of Education, Science and Technical Development has continuously carried out various activities to initiate cooperation with their mother countries in the area of education: Hungary, Romania, Bulgaria, Croatia, Bosnia and Herzegovina, Albania, the Czech Republic and Slovakia, involving the national councils in the process, too. They are invited to offer their suggestions as to the themes and activities of particular relevance in the area of education. Within the reporting period the Agreement on Cooperation in the Fields of Culture, Education, Science, Youth and Sports was signed between the Governments of Serbia and the Czech Republic in 2016, while another two, to be signed with Albania and Romania, were prepared, and work on a treaty with Bulgaria was finalised in 2019.

Recommendations: Change the status of Activity 6.16. to “continuous,” as signing the agreements with the countries whose national minorities are educated in Serbia does not depend on Serbia only, making it impossible to set a specific deadline within which the agreements are to be signed. Rephrase the indicators accordingly.

³⁹ Official Gazette of the Republic of Serbia No. 22/2016

⁴⁰ Official Gazette of the Republic of Serbia No. 65/2018

6.17. *To establish cooperation in the field of initial teacher education.* The activity has been partially completed, and it depends on the conclusion of Memoranda of Understanding with the mother countries of the minorities entitled to all stages of education in their native languages. Even though many activities are listed to have been carried out by the Teacher Education Faculty in Novi Sad, the Academy of Arts and the Faculty of Sciences and Mathematics in the field of initial education of teachers, there are no statistics related to “the number of agreements that serve as a basis to provide for initial teacher education” (Indicator 1), nor is the number of students educated in accordance with the agreements” (Indicator 2) stated.

Recommendations: The status of the activity needs to be changed to “continuous,” as signing the Memoranda of Understanding with the mother countries of the national minorities entitled to all stages of education in their native language does not depend only on the Republic of Serbia, and it is impossible to set a deadline for the activity. Rephrase the indicators accordingly.

6.18. *To establish cooperation in the field of professional development of teachers...* The activity was implemented in the second quarter of 2018, when an agreement was signed by the Teacher Education Faculty in Belgrade and the Teacher Education Faculty of the University of Zagreb to pave the way for initial teacher education in the Republic of Serbia and the Republic of Croatia. Since then reports have been suggesting that the mapping of accredited training programmes began in the mother countries in collaboration with the national councils, while “a module for the development of linguistic competences of teachers teaching in the languages of national minorities,” was prepared⁴¹ and the training sessions carried out by the Ministry and the Institute for the Promotion of Education, but with no reference to the professional development of teachers and entering into agreements on the recognition of accredited professional training programmes. Based on the data, it is impossible to determine “the number of agreements offered for the purpose of professional teacher training” (Indicator 1), and “the number of completed programmes” (Indicator 3).

Recommendations: Change the status of the activity to “continuous”, since the number of offered and signed agreements does not depend only on the Republic of Serbia. Rephrase the text of the activity and the indicators, so that the activity can be completed.

6.19. *To establish cooperation with a view to providing quality textbooks and teaching aids.* The activity was delayed, being tied to Memoranda of Understanding with the mother countries of the national minorities entitled to full education in their native language. The reports covering the second and the last quarters of 2019 offer information about activities related to the memoranda and the national councils’ proposals as to textbook publishing, as well as about “the preparation of bilateral agreements with the mother countries, in which one of the themes was to secure quality textbook translations...” Clearly, “cooperation for the purpose of securing quality textbooks and teaching aids” has begun, but it is difficult to determine if the indicator has been met, because there is no information about “the number of agreements securing that another country can be involved in the area of translation and analysis of the quality of textbooks and teaching aids.”

Recommendations: Change the status of the activity to “continuous.” Rephrase the description of the activity and of the indicators.

⁴¹ Programme by the Ministry of Education, Science and Technological Development and the Pedagogical Institute of Vojvodina.

6.20. *To improve opportunities to learn a native language/speech and the elements of a national culture in schools, while maintaining the status of an elective subject, developing optional and other extracurricular activities, as well as providing resources to carry them out.* The status of the activity is “fully completed,” and in that sense the status of the optional subject/programme “Native language/speech with the elements of national culture” has been advanced based on the Professional Instruction on class formation and funding modes in primary and secondary schools, which is adopted for each school year. The novelty of the document lies in the opportunity for a school teaching the optional subject/programme Native language/speech with the elements of national culture to form a group at the level of a cycle, more precisely, a group composed of Grade 1 to Grade IV pupils (the first-cycle students) and/or a group comprising Grade V to Grade VIII students (the second-cycle students). Since the 2017/2018 school year, the status of this optional subject/programme has been strengthened after the Informatics, an optional subject until then, became a regular subject, while the status of other optional subjects changed to “extracurricular.” The move made the Native language/speech with the elements of national culture the only elective subject/programme, and the students no longer needed to choose between a native language and informatics. During the 2018/19 and 2019/20 school years, 469 teachers were engaged in teaching this optional subject/programme.

As for “the transparency of surveys” (Indicator 3), the national councils of national minorities have had a very active role in informing parents about the importance of learning a native language/speech, as well as in forming classes/groups for the elective subject/programme. During the 2018/2019 school year, the Ministry received 30 requests by schools to form groups for the optional subject/programme Native language/speech with the elements of national culture, the size of which was smaller than prescribed. The Ministry approved 95 percent of the requests. Indicator 4, “The number of interested students,” is also met, since a group for this optional subject/programme can be formed by several schools in a municipality, if approved by the competent school administration. The minimum size of the group formed by several schools or at the level of a cycle is 10 students, but the rule of thumb is to approve a group if at least five students have applied.

The evident achievements in advancing opportunities to learn a mother tongue notwithstanding, it is unclear what Indicator 1 (Defining different learning models), Indicator 3 (Realisation of pre-defined different learning models) and Indicator 5 (The number of students disaggregated by different models) refer to.

Recommendations: Change the status of the activity to “continuous,” and rephrase Indicators 1,3 and 5, so that the implementation of Activity 6.20. can be monitored and the indicators met. Define a way in which reports by local self-government units can be monitored. Discuss a suggestion by the national councils from the Analysis of the Action Plan (2018) that activities be proposed to contribute to resolving the status of the subject Native language with the elements of national culture in high schools, and the teaching of a mother tongue in preschool institutions.

VII – Democratic participation

Fifty percent of the activities provided by the Chapter have been completed. Of the four activities, two have been completed three quarters later than planned, and two remained uncompleted.

Activities that have been completed, but behind schedule

7.1. To conduct a comparative legal analysis of EU practices in the region, in order to identify best practices and appropriate models... A comparative legal analysis of democratic participation by national minorities, describing in detail the existing models of democratic participation in Austria, Slovenia, Croatia, Hungary, Romania, Bulgaria, Montenegro and Serbia was conducted the by a working group at the Ministry of State Administration and Local Self-Government three quarters late.

7.2. To identify potential models of democratic participation based on the analysis and comparative legal practices. The analysis of Activity 7.1. reveals the advantages and disadvantages of potential models, as well as a comparison with the system that exists in Serbia, offering also recommendations as to how to improve the existing system of democratic participation by national minorities.

Uncompleted activities

7.3. To take measures to amend the normative framework in compliance with the identified model. The normative framework regulating democratic participation has not been amended in line with the models identified in the Analysis, and the status of the activity is therefore “uncompleted.”

7.4. To take measures to amend the normative framework in compliance with the identified model. As the normative framework has not been amended, it is impossible to secure appropriate representation of national minorities based on the new model, which includes numerically smaller national minorities as well.

VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises

Out of 21 activities under Chapter VIII, 17 have been successfully completed, and four haven't been implemented. Out of the 17 completed successfully, 10 were on schedule, and the implementation of seven was off the pace prescribed by the Action Plan.

Completed activities

8.3. To align laws and other regulations governing the employment law status in compliance with amendments to the Law on the Protection of Rights and Freedoms of National Minorities. From 2016 to 2018 amendments were passed to the Law on Employees in Autonomous Provinces and Local Self-Government Units, the Law on Public Agencies, the Law on Civil Servants, the Law on Employees in Public Services and the Law on the Central Register of Compulsory Social Insurance, whereby those laws were aligned with the amendments to the Law on the Protection of Rights and Freedoms of National Minorities in terms of affirmative measures to be applied to the employment in the civil service of persons belonging to national minorities.

8.4. To pass and implement the Law on Employment in Autonomous Provinces and Local Self-Government Units. The National Assembly passed the Law in March 2016. Under the Action Plan, the deadline for this activity was the last quarter of 2015, which makes no sense, since the Action Plan was adopted in March 2016.

Recommendation: Since implementation of the Law has been included in Activity 8.4, its status should be changed to “continuous,” and measurable indicators need to be defined to make it possible that the effects of the Law are monitored.

8.6. To analyse the situation in public prosecution offices and courts in the areas inhabited by persons belonging to national minorities. The analysis of access to justice assessment for national minorities was conducted as planned, including the Analysis of the use of language in the assessment of national

minorities' access to the judicial system, the Analysis of participation of national minorities in courts, the Analysis of participation of national minorities in public prosecution offices and the Analysis of novelties in the legal framework. According to the Action Plan, Activity 8.6 was expected to be completed by the end of the last quarter of 2015, which is not logical since the Action Plan was adopted in March 2016.

8.9. To establish a joint working group with the High Judicial Council to assess access to justice by national minorities. – In May 2016, the State Prosecutorial Council and the High Judicial Council named the members of a joint working group to assess access to the judicial system by national minorities, and the activity was completed by the prescribed deadline.

8.12. To conduct training of judges with respect to international documents and standards offering national minorities protection against discrimination, and the case-law of the European Court of Human Rights (ECtHR). The activity has been implemented successfully based on training programmes, workshops and train-the-trainer sessions. Yet there is room for improvement in terms of reporting on Activity 8.12, as it needs to include reports on discrimination-specific training programmes based on affiliation to national minorities, instead of anti-discrimination legislation as such. Along the same lines, the number of training programmes has been set as an indicator, but it needs to be improved with targeted values in terms of the number of participants and the number of training programmes.

8.13. To implement promotional campaigns among national minorities in order to strengthen confidence in the police.

8.14. To promote the profession of a police officer, the Ministry of the Interior, and the Basic Police Training Centre.

8.15. To organise promotional debates for basic police training in the areas where national minorities are present in larger numbers.

8.16. To hold promotional workshops for basic police training to better prepare potential candidates for the entrance exam.

8.17. To continue activities carried out under the Project "Support to Stronger Inclusion of National Minorities in the Police Service of the Republic of Serbia."

The activities 8.13-8.17 have been implemented continuously, with good results. In order to promote the police profession and basic police training, a promotional video created in collaboration with the OSCE Mission to Serbia was translated in 11 minority languages. With a view to enhancing the proportion of national minorities in the police, a professional information, recruitment and marketing programme has been run to make potential male and female candidates familiar with the terms of the contest, encouraging them to apply for a job in the police department. The activities 8.13 - 8.17 tend to overlap in good part, which is illustrated by identical reports on almost all activities and in almost all quarters.

Recommendation: Reconsider the purpose of activities in the segments in which they overlap, and reorganise them with a view to increasing the number of persons belonging to the national minorities applying for basic police training, while initiating promotional activities to reinforce confidence in the police. In the same context, measureable indicators with clear targeted values are needed as well.

Activities that have been implemented, but off schedule

8.1. To amend the Law on the Protection of Rights and Freedoms of National Minorities in order to create a basis for prescribing affirmative measures. The amendments to the Law on the Protection of Rights and Freedoms of National Minorities were passed with a two-year delay. The amendments

created a basis for prescribing affirmative measures in favour of national minorities, having introduced to separate laws the provisions governing the legal status of employees in the public sector, which allow that, under the same conditions, preference is given to national minorities in employment and dismissal, until an appropriate structure of employees in the public sector has been reached.

8.2. To analyse the situation in order to establish criteria and standards for prescribing appropriate representation of national minorities in parts of the public sector. The activity has been largely implemented through the Report on the standard of adequate representation of national minorities among employees in the public sector, including the examples of best practice in five EU member states, the Reports related to the Analysis of job positions in the public administration at the level of the Republic that can be open to affirmative action to support the employment of national minorities, and the Analysis of representation of members of national minorities in the public administration (with an emphasis on local self-government units). Since Activity 8.5. involved several analyses, even though the initial deadline was the first quarter of 2017, its implementation spanned a period between 2017 and the end of 2019. In addition, Activity 8.2. was supposed to serve as an analytical basis for legal change provided by Activity 8.3, the legislative changes had been implemented before the analytical process was completed under Activity 8.2, bringing into question the purpose of the activity.

8.5. To adopt and implement a Regulation governing command of the languages and scripts of national minorities, as a special condition for certain jobs... In October 2016, six months after the deadline, the Regulation on job classification criteria and job description standards for civil servants in autonomous provinces and local self-government units and the Regulation on job classification criteria and job description standards for state employees in autonomous provinces and local self-government units were passed, stipulating that in the autonomous province/local self-government unit/city municipality where the language and script of a national minority is in official use, the job positions involving direct verbal and written communication with citizens shall require as a special condition knowledge of the given language and script. Even though a specific deadline was attached to the activity (45 days as of the passage of the Law), “implementation” is part of the description of the activity, suggesting the continuous nature of it, illustrated by continuous, however fragmented, reporting by the Council for Interethnic Relations.

Recommendations: Since the implementation of the Regulations has been stated as part of the activity, it should also change the status to “continuous.” Likewise, indicators should be defined so as to secure the monitoring of their effects, allowing also for an insight into the number of systematised jobs and filled vacancies, where knowledge of a minority language and script was prescribed as a special requirement.

8.7. To prepare and adopt a Rulebook specifying criteria and standards for the evaluation of qualifications, competence and worthiness a candidate requires to be nominated or elected as the holder of a public prosecutorial office. The State Prosecutorial Council passed at a session held on 23 March 2017 its new Rules of Procedure, including additional provisions defining more closely the terms of giving preference to candidates from national minorities under the same conditions, with a view to reaching the adequate level of representation. The deadline for this activity was the first quarter of 2016, and it was completed a year later.

8.8. To develop and adopt a Rulebook specifying criteria and standards for the evaluation of qualifications, competence and worthiness of candidates for judges and presidents of courts. The High Judicial Council passed at a session on 15 November 2016 the Rulebook on criteria and standards for the evaluation of qualifications, competence and worthiness for the election of judges with permanent tenure to another or higher court, and on criteria for nominating candidates for presidents of courts and the Rulebook on criteria and standards for the evaluation of qualifications, competence and worthiness

of candidates for judges elected for the first time, containing a provision that the national composition of the population, appropriate representation of persons belonging to national minorities and knowledge of professional legal terminology in the language of a national minority in official use at the court shall be taken into account in the election of judges and presidents of courts. The activity was completed two quarters later than planned.

8.10. To hold a joint workshop on national minorities' access to legal assistance. Representatives of the State Prosecutorial Council and the High Judicial Council held the workshop on 30 September 2016, more precisely, a quarter later than planned.

8.11. To hold a round table debate to adopt final recommendations...also related to national minorities' access to the judicial system. Representatives of the joint working group of the State Prosecutorial Council and the High Judicial Council to assess access to justice by national minorities, held the round table debate on 13 December 2016, one quarter later than planned.

Uncompleted activities

8.18. Serbian language lessons for the attendants of basic police training coming from national minorities. There has been no information about the implementation of this activity in any reporting cycle, and even though continuous by nature, Activity 8.18 was not implemented in any of the quarters.

8.19. Lessons/courses teaching a national minority language as the community language, with a special emphasis on official communication. During the first reporting cycle for 2016, the police administration in Pancevo organised a minority language course, teaching 50 police officers Hungarian, Romanian, Slovakian and Czech, which was the only activity realised across all reporting cycles. Being continuous by nature, the conclusion is that it hasn't been completed.

8.20. Full implementation of the Law prescribing the rules for keeping a record of employees in the public sector and public enterprises. The activity has not been completed due to a decision to abandon the implementation of the Law governing a Register of employees in the public sector and public enterprises in favour of the Law on the Central Register of Compulsory Social Insurance (CROSO), stipulating that the Register of persons employed, elected, nominated, appointed and hired by users of public funds be incorporated in the CROSO system, including optional information on national affiliation and the language in which primary/secondary school was completed.

8.21. To develop a four-year plan for the employment of persons belonging to national minorities. There were not data available in the reporting cycles to indicate that the activity had been implemented.

IX – National councils of national minorities

All 10 planned activities have been implemented.

Four activities that preceded the adoption of the Law on the Amendments to the Law on National Councils of National Minorities were completed within the deadlines provided by the Action Plan: 9.1 – To analyse the normative framework; 9.2 – To hold a round table debate; 9.3 – To set up a multisectoral working group; 9.6 – To pass a Regulation specifying a procedure for the distribution of the Budget Fund allocations.

The implementation of three activities was late because of delays in the passage of the Law on the National Councils, namely, 9.4 – To pass the Law; 9.5 – To pass the Regulation governing a procedure for the distribution of the National Budget allocations to finance the work of the National Councils; 9.6 – To pass the Regulation governing a procedure for the distribution of the Budget Fund allocations; and 9.7 – To secure necessary funding for the Budget Fund for National Minorities.

Three continuous activities have been implemented, but they need to be improved:

9.8. To provide support to the national councils through training programmes and by strengthening their managerial capacity; the activity is not fully measurable, because there are no data on “developed training materials” (Indicator 3), “the number of participants involved in training” (Indicator 5) and “training evaluations completed” (Indicator 6).

Recommendations: Define initial, intermediate and targeted values to make the indicators measurable.

9.9 – The Council for National Minorities is lagging behind the reporting dynamics as provided by the Action Plan (the 9th Session of the Council was held in February 2020 to present Reports 10,11 and 12).

9.10 – It is difficult to monitor the implementation of the Law on Local Self-Government in terms of the work and operation of the councils for interethnic relations, because there are no initial, intermediate and end values against which to monitor the number of established councils, their mode of work, the number of reports on the establishment thereof and the measures taken in case of a failure to act by the Law.

Recommendations: Set up the values against which the indicators can be measured.

X – Economic status of members of minority communities

All five activities planned under Chapter X were initially defined as “continuous,” and the “traffic light method” shows that all have been implemented, four fully completed, one partially.

Completed activities

10.1. To strengthen the economic position of the Roma minority based on full implementation of the Action Plan for the implementation of the new Strategy... What made the completion of Activity 10.1. difficult was that the Action Plan for the implementation of the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for a period after 2018 was not adopted. The fact affected the indicators insofar as both of them were connected with the Action Plan (Indicator 1: The AP has been adopted, and implemented; Indicator 2: Reports on the AP implementation available). In other words, the two indicators have been met just for a period until the end of 2018. The implementing bodies were defined in a way that made reporting difficult, as those were all the entities described as competent under the Action Plan, the Council for the Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion, while the political level of coordination was in the hands of a deputy prime minister/minister of construction, transportation and infrastructure. Having in mind that the Action Plan for the implementation of the Strategy for Social Inclusion of Roma involves dozens of competent entities, it is unrealistic to expect that the AP monitoring mechanism will allow for data to be collected from all stakeholders as provided by the separate public policy document, and for the purposes of a single activity at that. In addition, the Council for the Improvement of the Status of Roma and Implementation of the Decade of Roma Inclusion is a provisional working body of the Government of Serbia, without an appropriate structure to ensure quarterly reporting. The activity stakeholders, specified as they were, produced unsystematic reports on Activity 10.1, burdened with a series of data unrelated to the economic status of Roma.

Recommendation: Redefine the implementing bodies and set the reporting mechanism in a way to secure data relevant to the economic status of Roma. Change the indicators so as to target them at

improvements to be made to the economic status of Roma in general, instead of tying them tightly to the Action Plan for the implementation of the Strategy.

10.2. *Economic recovery and development of underdeveloped regions traditionally inhabited by national minorities...* The activity has been successfully implemented as a continuous activity, based on a series of programmes to boost economy and the allocation of grants.

Recommendation: The result indicators are much too broad and non-specific, while initial, intermediate and end values are missing. (Indicators: *Improved economic status of the regions traditionally inhabited by national minorities; Increased economic activity in this area; A budget of the Coordinating Body for Preševo, Bujanovac and Medveđa for infrastructure projects*). The indicators need to be adjusted and specified in order to use them to monitor statistics related to economic growth, unemployment rates and other more specific indicators of economic development. As for the Coordinating Body's budget, it needs to be clarified that it's the value of the budget the document refers to.

10.3. *To attract investments to municipalities ranked by the level of development as Group III and IV...* This continuous activity has been successfully implemented based on projects providing for economic incentives, the Regulation specifying criteria for granting incentives to attract direct investments, contests for the allocation of grants and subsidies and investment forums of importance for attracting investments.

10.4. *To improve employability and encourage the employment of unemployed persons belonging to national minorities...* The activity has been implemented continuously based on active employment policy measures taken by the National Employment Service. According to the last available report, covering the second quarter of 2020, a total of 17.915 persons belonging to national minorities were covered by some of those measures (11.37% of all persons covered by the active employment measures).

10.5. *To stimulate investment from the home countries of national minorities...* The activity has been run continuously based on investment forums and programmes to enhance investment from the home countries.

Recommendation: No data have been reported on the "annual level of investment from home countries," the suggestion being that the indicator should be adjusted accordingly.

XI – International cooperation

According to the "traffic light method," five out of six activities have been completed, but the analysis reveals that only one, Activity 11.6, has been "fully completed," namely the one referring to workshops designed to raise awareness of the opportunities and importance of cross-border cooperation between local self-government units. Activity 11.2 - To organise regional seminars in collaboration with the EU, CoE and OSCE - has not been completed, while the remaining four have been implemented, but failed to meet the indicators (11.2, 11.3, 11.4, 11.5). The reasons why the activities have not been realised are missing from the reports.

11.1. *To continue international cooperation, particularly in the region, i.e. within the territory of the former SFRY and South Eastern Europe...* The activity has been partially completed, in terms of the work of intergovernmental joint committees Serbia set up together with Romania, Hungary, Croatia and Macedonia, and their meetings (Indicators 1 and 2), but not when it comes to "the number of concluded bilateral and multilateral documents" (Indicator 3), and "the establishment of new bilateral committees for national minorities, together with the other states of the region" (Indicator 4).

Recommendations: Rephrase the description of the activity, as entering into a bilateral agreement cannot depend on one state only, and it's questionable to what degree the activity can be completed.

11.2. *To organise, in collaboration with the EU, CoE and OSCE, regional seminars to boost the exchange of experiences in international standards and best practices as to the position of national minorities.* The activity hasn't been completed, failing also to meet Indicator 1 ("regional seminars designed to encourage the exchange of experiences related to international standards and best practise with regard to the status of national minorities") and Indicator 2 ("the number of seminars and attendants").

Recommendations: Modify the text of the activity and specify which ministries, aside from the Ministry of Foreign Affairs, can be engaged as implementing bodies.

11.3. *To organise workshops/conferences to discuss issues of importance for relations between the states of the region, such as facing the past, as well as the problems that the Roma, Egyptian and Ashkali communities share across the region.* The activity has been partially completed, since Indicator 1 has been met when it comes to "seminars and conferences focused on relations between the states of the region," but not in terms of "facing the past" and "the problems the Roma, Egyptian and Ashkali communities share across the region." Statistics as to the number of workshops and participants (Indicator 2) are not available.

Recommendations: Modify the text of the activity, because it is unclear who monitors the activities of civil society organisations and how, as the CSOs are not obligated to send reporting data related to the Action Plan and to deal with the issues defined by it.

11.4. *To provide all conditions on the part of the Republic of Serbia to make it possible for intergovernmental committees set up by bilateral agreements to meet regularly, and make full use of their competence prescribed by bilateral agreements.* The activity has been implemented when it comes to "the work of bilateral committees" (Indicator 1), but the standard against which to determine "the number of meetings held" (Indicator 2) is unclear. Indicator 3 hasn't been met, because data are not available on "the number of implemented recommendations compared to the total number of recommendations referring to the Republic of Serbia."

Recommendations: Revise the indicators and set up initial, base and targeted values.

11.5. *To adopt a special conclusion ordering the competent authorities monitoring implementation of bilateral agreements...* The activity has been implemented insofar as "the special conclusion has been adopted" to approve the text of the Programme of Cooperation in Education, Science and Culture between the Governments of Serbia and Hungary, with a note that it's an act the two parties were adopting based on a treaty, not an agreement. There is no information to document "successful work of bilateral committees" (Indicator 2), nor is there "the number of the recommendations met compared to the total number of recommendations referring to the Republic of Serbia" (Indicator 3).

Recommendations: Rephrase the text of the activity and adjust the indicators to make them measurable.

11.6. *Raise awareness of the opportunities and importance of cross-border cooperation between local self-government units.* The activity has been implemented.

Recommendations: Define initial, base and targeted values so that the indicators can be monitored, namely, "the number of consultations and workshops held" (Indicator 1), and "the number of local self-governments that participated in training sessions" (Indicator 2).

2.2.2.5. Results

As for the efficiency of results, out of 30 overall results in the 11 Chapters 13 were fully achieved, nine were achieved partially and eight haven't been achieved, with a note that due to unmeasurable indicators it is impossible to assess completely the degree to which the achieved results have been implemented.

2.2.2.6. Achievement of results by chapters

I – Personal status position

The overall results of Chapter I have been partially achieved. Amendments to two laws (the Law on the Protection of Rights and Freedoms of National Minorities and the Law on Civil Records) and a by-law (the Instruction on keeping civil records and civil records forms) created conditions to make an entry of national affiliation into the Register of Births, in compliance with the constitutional principle of free expression of national affiliation. In addition, a new application, Special Electoral Roll for national minorities, connected to the central electoral roll, facilitated *ex officio* updates, with respect to the right to personal data protection. In this way, the free expression of national identity on a voluntary and identity-neutral basis has been honoured (Results 1 and 2). Result 3 (Data on the number of persons belonging to national minorities that are available to the competent authorities for the purpose of monitoring and analysing the degree to which minority rights are exercised...) is impossible to achieve, as the activities provided by Chapter I were not designed to create conditions for the collection of data by the authorities with the purpose of getting a clear picture of the status of national minorities, but rather to improve the process of keeping civil records and special electoral rolls. As national affiliation data are particularly sensitive personal data, any use of such data is allowed only if the person the data refer to has provided explicit consent for the processing of those data for one or more specified purposes,⁴² which means that these data cannot be used to monitor and analyse the degree to which minority rights have been exercised.

It is impossible to determine if Indicator 1 (Statistical data provided by competent authorities on the number of persons belonging to national minorities in the Republic of Serbia) has been met, because there are no initial, intermediate and end values against which to monitor the flow of the statistics. It is equally impossible to assess if Indicator 2 (Consistent application of the principle of personality in relation to the position of national minorities and respect for the principle of self-identification by members of minority communities) has been met, because it was defined as an activity, rather than a measurable indicator. In order to monitor successfully the implementation of this principle in relation to the position of national minorities, it is necessary to set measurable indicators first.

II – Prohibition of discrimination

Continuity in achieving the results exists, but it is impossible to measure, because there is no specific information, or initial, intermediate and targeted values, against which to assess the degree to which “the level of acquired human and minority rights has been preserved, and the exercise of the rights and freedoms of national minorities under equal conditions ensured across the territory of the

⁴² The Law on Personal Data Protection, Official Gazette of the Republic of Serbia No. 87 of 13 November 2018, Article 17, paragraph 1

Republic of Serbia” (Result 1) and if “active measures have been taken with a view to preventing discrimination in all relevant spheres of social life” (Result 2), and if “recommendation by independent bodies have been complied with” (Result 3).

Consequently, the indicators have been met partially as well, because the analysis failed to establish “the minutes of public service broadcasting and quantity of printed material used to raise awareness of the rights of national minorities” (Indicator 1), or the benchmark against which to gauge “the number of training programmes for civil servants at all levels” (Indicator 2).

Recommendations: Define initial, intermediate and targeted values against which to measure the degree to which the exercise of human and minority rights has been preserved, as well as the steps taken to prevent discrimination, and compliance with recommendations by independent bodies.

III – Culture and media

A sustainable system of information in the languages of national minorities has been established (Result 1) based on broadcasts by public media services, media outlets owned by the national councils, private media, including civil society media, which enjoy the support of all levels of government in terms of project co-financing in the field of information. The by-laws covering project financing have been improved as well. However, the system that has been established does not fully “match the needs of national minorities qualitatively, quantitatively and geographically” as yet, especially the minorities living in Central Serbia. Partially completed and uncompleted activities follow: 1. An adequate model to ensure financial viability of the media in minority languages has not been developed; 2. Programme-based financing of media content via the Budget Fund for National Minorities is not stable, as priority areas to be financed by the Fund are shifting; 3. National minorities haven’t taken part in the work of the REM until the end of 2019, even though the status of the activity was “continuous;” 4. Analysis of the impacts of privatisation on the media broadcasting in minority languages was not prepared; 5. “To ensure the sustainability of the media, including the production of media content, founded by the national councils, in the transitional period until the entry into force of the new Law on National Councils” is an uncompleted activity as well. When it comes to Result 2 (The media with nation-wide coverage pay special attention to national minorities), it is difficult to establish to what degree it has been accomplished, as no initial, intermediary and targeted values were defined to make it possible to measure it. Data on content in minority languages aired by the public radio and television services (RTS and RTV) exist, but are delivered sporadically and are not organised.⁴³

In accordance with the results, the following indicators have been partially met, too; Indicator 1 (The availability of media content in accordance with the needs of national minorities) and Indicator 2 (Sufficient media content and news programmes in minority languages provided by public media services).

IV – Freedom of religion

As for the degree to which the overall results of Chapter IV have been achieved, it is important to note that the results were initially set as rather generic, which together with fairly abstract reporting made it very difficult to establish. In terms of Result 1 (*Freedom of religion is guaranteed by law and implemented in practice, in the context of establishment and registration of religious organisations ...*), the conclusion is that no considerable progress has been made compared to the time when the Action Plan was adopted, and that no legal changes have been endorsed in the context of registration of

⁴³ REM published annual reports on its website, offering the duration of broadcasts in minutes as well. The data are missing probably because the REM is not an implementing body.

churches and religious organisations. The CoE Advisory Committee on the Framework Convention for the Protection of National Minorities has supported this view in the Fourth Opinion on Serbia, reiterating a recommendation from the Third Opinion as to the registration of churches and religious communities. Result 2 (*A pragmatic solution to facilitate access to religious services for national minorities*) has not been achieved. There is a direct link between the accomplishment of this result and Activity 4.3, suggesting that a joint committee of the Governments of Serbia and Romania, and the Serbian and Romanian Orthodox Churches can be the pragmatic solution. As there are no data to confirm the establishment of the committee or a meeting thereof, the conclusion is that the result hasn't been achieved either.

As for Indicator 1 (*The number of churches and religious communities and their organisational units in the Republic of Serbia performing services in the languages of national minorities*), it is impossible to say with certainty if it has been fully met, not only because the Action Plan failed to describe the initial state, but also for the lack of information. The report on the implementation of the Action Plan says that the dioceses of the Serbian Orthodox Church have worship services in the languages of national minorities, namely, in Bulgarian (a dozen parishes with autochthonous pastors), Romanian (39 parishes in Banat where 27 Romanian priests serve) and Wallachian (parts of the liturgy are served in the Diocese of Timok), but it does not say anything about other churches and religious communities. Indicator 2 (*Interethnic dialogue established for the purpose of promoting certain aspects of the freedom of religion*) has not been met, as there is no information to suggest that a concrete dialogue on this topic took place, but only that the establishment of a joint committee of the Governments and Orthodox Churches of Serbia and Romania had been proposed.

V – Use of language and script

Out of three Overall Results in Chapter V one has been achieved, one has been achieved partially, and for the last one it is impossible to assess the level to which it has been accomplished.

Result 1 (*To ensure the exercise of the right to the free choice and use of a personal name by persons belonging to national minorities, and to make an entry of the personal name in all public documents, official records and collections of personal data in the language and orthography of the given national minority*) has been achieved based on: preparation and distribution to local-self-government units performing delegated duties with respect to public records of *the Instruction specifying the manner in which the name of a person belonging to a national minority is made an entry of into public records and the Notification of the procedure for and the manner of making an entry of the personal name of a person belonging to a national minority*; eight (8) training programmes for 335 registrars and their deputies; and measures (57 ordered and 47 enforced measures) related to an entry into public records of the personal name of a person belonging to a national minority, using the script of the national minority.

Result 2 (*To continue flexible introduction of the languages/scripts of national minorities into official use*) is directly connected to Activity 5.5 (*To encourage flexible introduction of minority languages into official use in the areas traditionally inhabited by national minorities, in accordance with Article 11, para. 1 of the Law on the Official Use of Languages and Scripts*). Since the reports do not suggest a flexible implementation of the Law, nor contain data implying that the indicators have been met in terms of an increase in the number of local self-government units in which a minority language is used as an official language, it is difficult to assess if the result has been achieved.

Based on regular implementation of a budget-based programme activity, Development of Multilingualism in the Territory of the Autonomous Province of Vojvodina, and contests held by local self-governments, funding has been secured to support the right to the official use of languages and scripts (Result 3). On the other hand, no allocations for this purpose have been made at the national level, while financing at the local level is fairly irrelevant (i.e. financing of national councils by individual self-government units or printing leaflets in minority languages), the conclusion being that the result has been achieved only partially.

The indicators in Chapter V are not fully measurable. Since they were set in the number/percentage form, without initial, intermediate and targeted values, it is impossible to detect a change that might have been created as the result of carrying out an activity. In addition, Indicator 2, related to the exercise of the right to have toponyms and signs written in minority languages is redundant, since Chapter V does not contain a single activity connected directly to the improvement of practice to have toponyms written in minority languages.

VI – Education

It is not easy to decide to what degree the Overall Results have been achieved and indicators met, since they were formulated in overly broad terms, while no initial, intermediate and targeted values were set against which to measure the degree of accomplishment.

Based on reported data, it is impossible to conclude whether Result 1 has been achieved, that is, if “a larger number of education models in the languages of national minorities were introduced.” Accordingly, it was not possible to find out if the indicators have been met either, more specifically, Indicator 1 - *A number of different models of education in the languages of national minorities that have been implemented*, and Indicator 2 – *The number of students/classes/schools covered by some of the models of education in minority languages*. The result and the indicators were vaguely formulated, failing to specify whether they refer to “new, introduced models,” or the existing ones. If they refer to the number of the “models introduced,” the indicators have not been met.

The reports are equally inconclusive as to whether Result 2 has been achieved, namely, if “all modes of teaching in the languages of national minorities are conducted by appropriate teaching staff.” There are no statistics to support Indicator 3 - *The proportion of teaching staff qualified for teaching in minority languages*, and it is impossible to determine if the indicator has been met. The benchmarks against which to evaluate if the teaching staff is “appropriate” do not exist either. The indicators attached to the activity (6.5, 6.6 and 6.7) are not measurable, making it impossible to conclude if they have been met either.

Result 3 (*Quality conditions for teaching in minority languages have been achieved*) was defined too broadly, and it is not clear what the “quality conditions” mean, or what criteria should be used to determine the quality of conditions for proper teaching. No indicator has been assigned to this result, and if it is associated with Activity 6.8, there are no data on how many instruments of student linguistic competence have been developed, nor are “the results of student/parent satisfaction surveys” presented. The result can be considered partially achieved, having in mind that practically all planned activities have been designed with a view to reaching the “quality conditions for teaching in minority languages.”

Result 4 (*Long-term cooperation with the countries whose national minorities are educated in Serbia, and vice versa, has been established*) has been achieved, as documented by reported data. Bilateral agreements in the field of education have been signed (Indicator 5), and the activities based on the bilateral agreements in the field of education carried out (Indicator 6). The indicators are not

measurable though, because there are no initial, intermediate and targeted values against which to measure “the number of countries which bilateral agreements in the field of education have been signed with,” and “the number of implemented activities based on the bilateral agreements in the field of education.”

Result 5 (*Improved linguistic competence of students attending classes in the language of a national minority, with a view to facilitating their inclusion in the labour market, or continuing education*) has been achieved, especially in Bujanovac, Preševo and Medveđa. It is impossible to conclude whether Indicators 7 and 8 have been met, as there are no criteria and data to substantiate findings as to “the percentage of students that have reached certain levels of knowledge of the Serbian language” (Indicator 7) and “the number of different programmes that can encourage learning Serbian as a second language.”

Result 6, related to the *provision of textbooks for teaching in minority languages* and Indicator 4, *The number of textbooks in minority languages*, have been achieved, but to what degree remains unclear, as initial, intermediate and target values were not set.

VII – Democratic participation

Out of two Overall Results in Chapter VII one has been partially achieved, and the other remained unaccomplished. Based on the existing normative framework, the participation of national minorities in the election process has been achieved (Result 1). As the model for democratic participation of national minorities hasn’t changed compared to 2016, the level of representation of national minorities in elected bodies at the national, provincial and local levels has not changed either (Result 2). The only impact indicator for Chapter IV has been met. A comparative legal analysis of democratic participation models in the EU member states and the region identified models for democratic participation in the election process and adequate representation of national minorities in elected bodies at the national, provincial and local levels, which were sent to the Action Group for Political System Reform at the National Assembly through a government committee.

VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises

Amendments to five laws⁴⁴ and four regulations⁴⁵ have paved the way to the measures that have created mechanisms to collect comprehensive information on the representation of national minorities in the public administration at all levels, in full compliance with the standards of personal data protection, whereby Result 1 has been achieved.

It is impossible to find out if Result 2 has been achieved, because there are no specific indicators, including initial, intermediate and final values to illustrate the accomplishments. Besides,

⁴⁴ The Law on Employees in Autonomous Provinces and Local Self-Government Units, the Law on Public Agencies, the Law on Civil Servants, the Law on Employees in Public Services and the Law on the Central Register of Compulsory Social Insurance.

⁴⁵ Regulation on job classification criteria and job description standards for civil servants in autonomous provinces and local self-government units, Regulation on job classification criteria and job description standards for state employees in autonomous provinces and local self-government units, Regulation on implementing internal and public contests to fill vacancies in autonomous provinces and local self-government units, and Regulation on internal and public contests to fill vacancies in state bodies.

the two activities most directly connected with the realisation of this result (8.20 and 8.21) have not been completed, more precisely, there are no data on their implementation.

It is impossible to gauge the only impact indicator for Chapter VIII, “Gradual increase in the representation of national minorities in the public administration at all levels, until an appropriate/proportional structure of employees is achieved,” as no initial, intermediate and final values have been set against which the gradual increase of representation of national minorities would be possible to detect.

IX – National councils of national minorities

The Overall Results in Chapter IX have been accomplished. The new Law on Amendments to the Law on National Councils of National Minorities⁴⁶, the Law on Amendments to the Law on Local Self-Government and relevant regulations have aligned the legal framework so as to enable “smooth functioning of the national councils of national minorities in order to provide for effective minority self-government” (Result 2).

All the three indicators have been met, namely, “a proper legal framework for the operation of national councils has been established and harmonised” (Indicator 1), “the Budget Fund for National Minorities has been made operational” (Indicator 2), and “the number of councils for interethnic relations has been increased” (Indicator 3).

X – Economic position of members of minority communities

As for the achievement of the Overall Results under Chapter X, progress has been made and both results have been partially achieved. Yet they were set in a rather generic way, with impact indicators that have been difficult to measure. As a result, it wasn’t easy to assess the full measure of accomplishments under this chapter.

Result 1, (*The economic status of Roma improved*), has been accomplished partially based on the measures prescribed by the Strategy for Social Inclusion of Roma Men and Women, a number of IPA projects to improve Roma living conditions and active employment policy measures. Yet the actual grasp of the measures in terms of economic empowerment of Roma is impossible to fathom, because the reports on the implementation of the Action Plan do not offer measurable economic indicators with initial, intermediate and final values. Furthermore, there was no valid action plan to support the Strategy after 2018, making it very difficult to systematise the implementation of the measures provided by the Strategy, as well as to report on its implementation.⁴⁷

The situation is very similar with Result 2, supposed to reflect an improved economic status of the regions traditionally inhabited by national minorities. The result is partially achieved based on a

Official Gazette of the Republic of Serbia Nos. 72/2009, 20/2014 – ruling by the Constitutional Court, 55/2014 and 47/2018.

Official Gazette of the Republic of Serbia No. 47/2018.

⁴⁷ The last Report on the Implementation of the Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for a period between 2016 and 2025 was prepared in 2019, for 2018. Roma integration 2020-Annual reporting on the implementation of the Action Plan for the Implementation of the Strategy for the Social Inclusion of Roma Men and Women in the Republic of Serbia for the Period 2016– 2025, for the period from 2017 to 2018
<https://www.rcc.int/romaintegration2020/files/admin/docs/53af7245ca74a1f8abbb7fbbb7e616ad.pdf>

number of programmes⁴⁸ to boost economy, particularly in underdeveloped and devastated regions, the Regulation specifying criteria for granting incentives to attract direct investments, contests for the allocation of grants and subsidies and investment forums of importance for attracting investments. Even though it is certain that considerable efforts have been made to improve the economic position of underdeveloped region, a specific impact of the said activities on the economic status of national minorities is impossible to determine, because the focus of all the programmes listed above is on the general population, irrespectively of ethnicity. Moreover, reports on the realisation of the Action Plan do not contain specific economic indicators, to present in a measurable way the concrete effects of economic support programmes in the regions traditionally inhabited by national minorities.

As for the indicators for Chapter X, the conclusion is that both have been met, with a note that the way in which they were formulated was inadequate, as there's no difference between the formulation of the strategic objective and that for the impact indicator.

Indicator 1, *Improving employability and competitiveness in the labour market for the Roma minority*, has been met through the implementation of active employment policy measures focused on less employable categories, including the Roma population. The indicator is linked closely to Activity 10.4., whose result indicator is the Report on the Implementation of the National Employment Action Plan. It's precisely the findings presented in the Ex-Post Analysis of the National Employment Strategy 2011-2020 that suggested that in a period between 2011 and 2019, as a result of efforts by the National Employment Service to activate and motivate unemployed Roma men and women to register as unemployed persons, an increase was reported in the number of Roma men and women who had the status of unemployed persons. Together with the rise in the number of unemployed Roma men and women registered by the National Employment Service rose their involvement in active employment policy measures, both in absolute and relative terms (the proportion of the Roma involved compared to the total number of persons involved in all active employment policy measures went up from two percent in 2011 to five percent in 2019). The Roma involvement in so-called "financial measures" increased as well. It improved the targeting of Roma considerably compared to the beginning of the period, when Roma accounted for a mere two percent of all persons involved in financial measures, whereas their participation reached some eight percent in 2019. Likewise, the proportion of employed Roma in the total number of unemployed persons registered by the National Employment Service grew over the observed period.⁴⁹

The other indicator, *The implementation of a programme for the allocation of funds for subsidies is of strategic importance for the municipalities of Preševo, Bujanovac and Medveđa*, has been met as well. The Office of the Coordinating Body of the Government of Serbia for the municipalities of Preševo, Bujanovac and Medveđa has made an annual budget allocation worth RSD 40.000.000,00 for subsidies earmarked for small- and medium-sized companies, entrepreneurs and farm collectives in the municipalities of Preševo, Bujanovac and Medveđa.

⁴⁸Programme to support the development of business infrastructure; Programme to support the development of industrial zones; Programme to support the implementation of measures of regional and local importance; Programme to support small businesses in the procurement of equipment; Programme to encourage the development of entrepreneurship through financial support for startups; "Standardised set of services for micro-, small-sized enterprises and entrepreneurs; "Student Company" Programme; Programme to encourage entrepreneurship through development projects: Programme to encourage even regional development. .

⁴⁹ Fondacija za razvoj ekonomske nauke, Ex Post analiza Nacionalne strategije zapošljavanja za period 2011-2020 Ex-Post Analysis of the National Employment Strategy 2011-2020 by the Foundation for the Development of Economic Science http://socijalnoukljucivanje.gov.rs/wp-content/uploads/2021/02/Ex_post_analiza_Nacionalne_strategije_zaposljavanja_za_period_2011-2020.pdf

XI – International cooperation

The Overall Result has been achieved in terms of “continuing active international cooperation between the Republic of Serbia and Hungary, Croatia, Romania and Macedonia, centred on issues of importance for the protection and exercise of the rights of national minorities,” but not in terms of “establishing active international cooperation” with a view to signing new bilateral agreements.

Out of four indicators, Indicator 1 has been met, referring to “the number of meetings held by bilateral committees on national minorities,” even though it’s unclear what “number” the indicator refers to. “The number of implemented recommendations by the bilateral committees” (Indicator 2), “the number of activities undertaken by the Republic of Serbia with a view to reinforcing regional cooperation and dialogue” (Indicator 3) and “the number of workshops and conferences to share experiences, best practices and themes of importance for national minorities” (Indicator 4) do not exist, and it is difficult to conclude if the indicators have been met.

Recommendations: Rephrase the text of the overall result and indicators, to make them measurable.

2.2.3. Efficiency

The implementation of activities and compliance with deadlines could have been more efficient, as most of the activities were delayed, the implementing bodies didn’t send their reports regularly and the reports varied in quality and quantity alike. The reporting mechanisms that had been established, a confusing reporting form and insufficiently trained staff in charge of reporting contributed to the result.

As a rule, efficiency is measured as the ratio of results and resources, creating a picture as to how cost-effective the implementation of activities has been and in what way the resources have been used, but reports on the implementation of the Action Plan failed to offer any expenditure statistics, except when regular contests were concerned. Consequently, it was impossible for the *ex-post* analysis to establish the cost of realisation and its structure. The Action Plan contains budget estimates, prepared under the standardised unit cost methodology to offer a tentative cost of the activities provided by the Action Plan for Chapters 23 and 24.⁵⁰ The unit cost methodology is used on a case-by-case basis, with tentative financial estimates offered for each measure. Along the same lines, since the same methodology was used for the Action Plan and the Action Plan for Chapter 23, the identical budgeting methodology was implemented as well.

For the purposes of this analysis, efficiency was measured based on deadlines for the realisation of results, the adequacy of planned activities (whether they were duplicated or not, whether controversial solutions occurred, etc.) and the evaluation of indicators attached to the results.

2.2.3.1. Efficiency by deadlines

Deadlines for the implementation of individual activities were either vague or overly ambitious, the consequence being that most of the activities were behind schedule. On the other hand, strict deadlines were set for some activities, even though the description thereof indicated they were continuous by nature.

⁵⁰ Ministry of Justice and Ministry of the Interior, Standardised unit cost methodology for budgeting activities and measures in the Action Plan, Chapters 23 and 24, <https://www.mpravde.gov.rs/tekst/7715/drugi-nactr-akcionog-plana-za-poglavlje-23.php>

The results of the analysis didn't fully coincide with the findings the "traffic light method" produced; there were more activities described as "fully completed" in the reports than the findings suggested. The "traffic light method" was not supported by criteria against which to measure the implementation of activities, nor was it clear which implementing bodies should perform evaluations and report if an activity was "fully completed" (green), "almost fully completed" (orange), "partially completed" (yellow), "uncompleted" (red) or "missing data" (purple).

2.2.3.2. Efficiency in reporting

Reports by individual state bodies were uneven in terms of the volume of information and its relevance to the description of the activities and the indicators.

Quarterly reports were burdened by information from the previous quarters (dating back to 2016), which affected the quality of reporting and made it difficult to follow current information.⁵¹ The reports were nonetheless inconsistent in terms of volume of information, some being much too extensive, some incomplete. In addition, reports on certain activities contained a series of unrelated and irrelevant data that had nothing to do with the given activity.

The implementing bodies also had an impact on the efficiency of reporting, as some reported regularly, some rarely or never. This is particularly true of reports by local self-governments and councils for interethnic relations. As for activities involving several implementing bodies, it was unclear which implementing body was responsible for a specific part of the activity, and whose responsibility it was if delays occurred.

2.2.3.3. Efficiency by indicators

The indicators set for activities, just like those attached to results, were not SMART indicators (specific, measurable, achievable, realistic and timely)⁵², which resulted in much too generic reports, which included irrelevant information, and eventually it was absolutely impossible to decide whether an activity was completed or not. Another contradiction was that the indicators were set for activities and results, but not for strategic objectives, and that there were no links between them. Sometimes it was difficult to connect indicators and parts of activities (when an activity was divided into several sub-activities). Terminology was inconsistent as well, and different terms were used to describe the same thing, i.e. impact indicator/result index or co-funding/co/financing.

The reports also contained data that were difficult to relate to the indicators, those by local self-government units and councils for interethnic relations in particular.

2.2.3.4. Efficiency by chapters

⁵¹ Report on the Implementation of the Action Plan for the Exercise of the Rights of Minorities for the second quarter of 2020 has 1199 pages.

⁵² For instance, the indicator "the number of seminars and the number of attendants" does not mean much in terms of monitoring the corresponding result and assessing if the activity was completed or not. A good SMART indicator is, for example, this one: "five seminars organised in five municipalities, 50 civil servants trained in the area of international standards for the protection of the rights of national minorities, in the period April-June 2018," the 2018 Report on the Action Plan.

I – Personal status position

Affecting efficiency in reaching the strategic objective were the activities that were not comprehensive enough, the impact indicators that were impossible to measure and delays in the implementation of activities. Most of the activities were behind schedule (five out of nine) and, consequently, so were the results. A vague division of responsibilities between different bodies in the activities that involved multiple stakeholders led to duplicated reports or reports on irrelevant activities.

II – Prohibition of discrimination

The results were achieved at the pace at which the activities were implemented. The text of some activities was not aligned with the responsibilities of implementing bodies, for instance, the Commissioner for the Protection of Equality, the Protector of Citizens and the provincial Ombudsperson, or contained information unrelated to the indicators assigned to the activities (Activity 2.1).

The indicators were generally impossible to measure, and were not set against the pre-defined initial, intermediate and targeted values. The Advisory Committee noted that after the Action Plan 2014-2018 expired, not a single action plan was prepared, despite the existing deficiencies in the anti-discrimination system, particularly in terms of collecting data on equality. For the purposes of more efficient implementation of the Action Plan in this area, it is important to take into account a note by the Advisory Committee on the importance of regularly collecting reliable and disaggregated equality data related to the number and situation of persons belonging to national minorities, which should be reassessed periodically and analysed flexibly, in close consultation with minority representatives.⁵³

III – Culture and information

Culture

The “traffic light method” indicates that both activities in this section have been “fully completed,” but based on the analysis it appears that Activity 3.10. has been “partially completed.” The reason behind this inefficiency was that the analysis was wrongly formulated, the description contradicting the fact that “national affiliation” does not exist as a contest criterion, making it impossible to monitor contest statistics in the area of protection of cultural heritage of minorities.

The strategic objective is not attained efficiently because of Result 4, related to “the development of a culture of mutual respect and understanding, suppression of prejudice and segregation, in multiethnic communities and towards the youth,” as no activities or indicators were planned for its implementation. With this in mind, the text of Result 4 needs to be rephrased.

Information

Efficiency in reaching the strategic objective was affected by vaguely formulated activities and indicators, as well as inadequate links between the activities, results, the objective and the implementing body.

Most of the activities were delayed and, consequently, the results were behind schedule as well. The vaguely defined activities resulted in duplicated reports, too. The impact indicators and activities were not related to the results. When the activities were formulated too broadly, with a series of sub-activities, it was unclear which one of them the result indicators were referring to. Financial resources were not specified for all activities.

IV – Freedom of religion

⁵³ ACFC/OP/IV(2019)001, 34

Efficiency in attaining the strategic objective was affected by non-specific activities, inadequate impact indicators and an unclear link between the activities and the strategic objective. Most of the activities were completed within the deadlines set, but the most important activities were not defined as precisely as they should have been, which made it difficult to implement and monitor them. Implementing bodies were not defined clearly either. Moreover, the completion of the activities that were implemented didn't produce expected changes.

V – Use of language and script

Efficiency in reaching the strategic objective was marred by approximative impact indicators, delays in the implementation of activities, a failure to implement some of the activities or their partial completion. Half of them, seven out of 14, have been completed (five as planned, two behind schedule), five have been partially completed, two not at all. As a consequence, the results were behind schedule as well, or just partially completed. Most of the impact indicators and the result indicators were poorly set, without measurable initial, intermediate and final goals, making it impossible to measure them. Some of the activities were also loosely defined, and to improve their implementation it is necessary to make some qualitative improvements. One of the impact indicators was impossible to link with relevant activities.

VI – Education

Most of the activities were behind schedule. No deadlines had been set for the results, nor were initial, intermediate and target values established, making it impossible to determine the level to which they have been accomplished. The indicators were unmeasurable, and the degree to which they have been met impossible to detect. What also made the monitoring of the reports very difficult was that some were much too extensive, and even unrelated to the activity that was supposed to be the centre of the report. Reporting on the activities for which deadlines had been set, continued after their completion as well.

VII – Democratic participation

Efficiency in reaching the strategic objective was affected by delays in the realisation of the activities, or a failure to complete some of them. Only one half of them have been completed (two out of four), and both were three quarters late. Accordingly, the results remained unaccomplished or just partially achieved. The impact/result indicators, even though made conditional on the fact that the selected model of democratic participation cannot be prejudged, need to be improved to be easier to measure. Setting the current state of democratic participation as a base value would make it easier to detect a change when compared to a future state, after the model of participation has been changed.

VIII – Appropriate representation of persons belong to national minorities in public sectors and public enterprises

Efficiency in attaining the strategic objective was affected by delays in the realisation of activities, a failure to complete a number of key activities, overlaps and inadequately set indicators.

A failure to complete activities related to Result 2 led to the unaccomplished result. Due to considerable overlaps in several activities, duplication occurred in the reports. Deadlines for several activities had been set irrationally before the Action Plan was passed. For most of the activities the indicators need to be improved to make them measurable and useful in evaluating the efficiency of implementation.

IX – National councils of national minorities

The results and the strategic objective set under this chapter have been achieved. Delays occurred because the Law on Amendments to the Law on the National Councils of National Minorities was late. In order to boost efficiency in the implementation of activities related to the operation of councils for interethnic relations, recommendations offered by the Advisory Committee and the Protector of Citizens need to be taken into account.

X – Economic status of members of minority communities

Efficiency in reaching the strategic objective was affected by a much too generic formulation of some activities, non-specific indicators and inadequately established links between the activities, implementing bodies and indicators.

All activities were implemented continuously, except for one, Activity 10.1., whose implementation was tied to a public policy document that was not passed for the period after 2018. No duplicated activities were recorded in Chapter X, even though the activities 10.2. *Economic recovery and development of underdeveloped regions*, 10.3. *Attracting investments* and 10.5. *Encouraging investment from home countries of national minorities*, were fairly similar. Likewise, the remaining two activities, 10.1 *Strengthening the economic position of Roma national minority* and 10.4 *Developing employability and encouraging employment of unemployment members of national minorities* overlapped in good part, especially in the segment about active employment measures, even though their content differed very much, requiring different indicators. The impact indicators and a majority of the result indicators were set broadly, without measurable values, which made it impossible to verify activity completion. There is a considerable difference between financial resources provided by the budgets specified under the Action Plan and the funds that were actually spent to support the activities, as stated in the reports on the implementation of the Action Plan.

IX – International cooperation

Most of the activities have not been accomplished, largely because of unclear and inadequately formulated activities and indicators. The indicators related to some activities have been duplicated (Indicator 3 in Activities 11.4 and 11.5). Some indicators were overly ambitious, including “the number of concluded bilateral documents,” or “to provide all conditions on the part of the Republic of Serbia” for intergovernmental committees to meet regularly - as there are two sides to decide on the “conclusion” and “the meetings,” the outcome can’t possibly depend solely on Serbia. Implementing bodies were not specified in certain activities (“competent ministries”), and it was not possible to conclude which one the activities were referring to. There were some inconsistencies in the use of terminology, i.e. the term “special conclusion” (explanation offered above, Activity 11.5).

2.2.4. Sustainability

In the absence of a strategy in this field, the Action Plan for the Exercise of Rights of National Minorities is the first and only public policy document focused exclusively on national minorities, and since the adoption of it was one of the standards to be met for Chapter 23 to be opened, it goes without saying that in the future, too, it will have an important place in the area of public policies designed to improve the position of persons belonging to national minorities.

The existing format of the Action Plan, divided into 11 chapters, is not contradictory in any way and will be sustainable in the future as well, even more so as it was built on recommendations from the Third Opinion on Serbia of the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities, relying on the Framework Convention, too.

When it comes to the elements that usually make mandatory parts of action plans, such as goals and objectives, measures and activities, institutions in charge of monitoring the implementation and reporting, that is, activities, resources and indicators at the level of public policy measures, it is useful to be guided by the principles of the Law on the Planning System of the Republic of Serbia. The Law governs the system of public policies using as a model best EU practices in the area of public policies, while “taking into account the specificities of the European integrations, and acting complementarily.” The Law has also allowed for “room to prepare action plans for negotiation chapters under a methodology that is different from other public policy documents adopted by the Government.”⁵⁴

The existing concept, involving the Council for National Minorities as a monitoring body, is still sustainable, given the composition of the body and its potential to improve coordination and cooperation in the field of minority rights. Regular meetings of the Council, following the pace of reporting, and a mechanism to discuss substantive deficiencies in the implementation of the Action Plan at the sessions of the coordinating body, would promote the sustainability of realisation.

3. The results of surveys sent to the national councils of national minorities

Survey forms were sent to 23 national councils of national minorities and five civil society organisations, bringing the total to 28. Eight national councils sent their answers back – the Bunjevac, Greek, Hungarian, German, Montenegrin, Czech and Croatian national councils and the Federation of Jewish Communities of Serbia.

Effectiveness

Most of the national councils (4) believe that the strategic objectives and overall results provided by the Action Plan have been achieved, but that there is room of improvement, and that the observation refers to all chapters.⁵⁵ Two national councils feel that the strategic objectives and overall results have not been achieved, listing “inefficiency on the part of legal entities, a lack of coordination between institutions, a lack of will, too.”

The national councils that have responded to the survey share the opinion that most of the results have been set properly, and that key results have been achieved in the following chapters: I – Personal status position; III – Culture and media; VI – Education; and XI – International cooperation; Chapter X – Economic status of national minorities is described as a chapter that could be influenced the least. A national council is of the opinion that the results haven’t been met in any of the chapters when the majority in question is concerned, the observation referring to Chapters II, VIII and X in particular.

According to the national councils, the obstacles to achieving the results and objectives are: 1. organisational problems (not enough trained staff at the national councils to prepare reports by chapters, problems within the national councils) and 2. local self-government units and organisations with public authority are not familiar with the Action Plan 3. the Covid-19 pandemic.

Efficiency

The general view by the national councils is that the funds allocated to them were insufficient to achieve the results. In the same context, they have also cautioned that the funds earmarked for the implementation of the activities and the way they were disbursed were not clearly defined.

⁵⁴ *Анализа ефеката на друштво јавних политика – преглед међународних и домаћих методологија са критичким освртом*, Satira Bardoš and Ivan Sekulić, Belgrade 2020

⁵⁵ Chapter IV – Freedom of religion and Chapter XI - International cooperation have not been included.

Most of the national councils believe that the deadlines have been missed, and the results delayed. The reasons stated include the human factor, in the national councils and government bodies alike, new people taking offices, parliamentary elections, negotiations with the public media services...

The quality of the activities has been largely described in positive terms, and the explanations for the delays include a lack of clarity in distributing roles and responsibilities during the implementation process, a lack of motivation among local self-government units and councils for interethnic relations to carry out the activities and prepare reports, a failure to recognise the specificities of minority communities.

The national councils have suggested that the activities prescribed by the Action Plan can be sufficient to achieve the strategic objectives and results, if improved. A national council feels that the activities didn't help resolve the problems that particular minority has been facing.

The national councils have been monitoring the implementation of the Action Plan through reports by the Office for Human and Minority Rights (now the Ministry for Human and Minority Rights and Social Dialogue), as well as at seminars, round table debates and meetings with representatives of the Office.

General issues

The national councils have largely agreed that they participated in the monitoring of the Action Plan and reported regularly, but a few added that their options were limited and that it was unclear to what degree they could have contributed to changes in the monitoring process with their suggestions.

As to the problems that occurred during the implementation, delays or changes that were needed to reach a desired result, the national councils say they were trying to resolve the problems by putting in work, explaining that they continuously reported on potential problems, pointing to wrong statements and sending additional clarifications, but that they were unable to modify the activities or content of the Action Plan.

Most of the national councils would describe the Action Plan with an average overall grade, with an observation that it is not efficient enough and that there's room for improvement. Two national councils have described the realisation of the Action Plan as satisfactory, detecting progress in the process as well, but another one has described it as extremely ineffective.

Recommendations for the implementation of the Action Plan suggest that the following should be done in the future:

- To establish a clear division of responsibilities between implementing bodies; appoint persons in local self-government units to be in contact with several national councils;
- To educate and strengthen the capacity of persons belonging to national minorities with regard to mechanisms for protection against discrimination, anti-discrimination legislation, and with respect to recognising the types and grounds of discrimination;
- To expand involvement in reporting by independent bodies, the national councils of national minorities and civil society organisations;
- To organise several joint meetings and debates to discuss each activity separately;
- To react timely on objections by the national councils, providing answers and feedback;
- To give the national councils an adequate role in the process of drafting the next Action Plan, taking into account all specificities of minority communities; shape the activities against the needs of each minority community;

- To build on previous experiences in the implementation of the Action Plan;
- To discuss in what way to secure stronger commitment to implementing the Action Plan, given considerable fluctuations among employees in the public sector and members of the national councils;
- To add the signing of memoranda and the Centre for Low-Circulation Textbooks to the future activities.

4. Conclusions

The results of the *ex-post* analysis indicate that the Action Plan is a relevant public policy document, committed to the exercise of the rights of national minorities, aligned with the priorities and goals of the Government of Serbia and supported by the Council of Europe and the European Union. Since the needs and interests of persons belonging to national minorities are embedded in the strategic objectives of the Action Plan, whereas each of the 11 chapters is focused on promoting one of the important segments of their life, it is evident that the state authorities have demonstrated readiness to contribute to improving the position of national minorities and their active participation in public policies.

The strategic objectives, results and activities have been achieved, but not fully, primarily because of methodological shortcomings and logical inconsistencies related to imprecise, incomplete and vaguely defined formulations and non-specific, unmeasurable indicators.

In the absence of a systematic approach and logic in implementation, it was difficult to implement the planned activities, while unrealistic and ambitious deadlines affected the process, too. A lack of human resources, a small number of civil servants trained in reporting and an overly broad reporting methodology were a few other challenges.

The leading accomplishments were in the field of legal solutions and their more consistent implementation, more specifically, within Chapter I – Personal status position; Chapter V – Use of language and script; Chapter VIII – Appropriate representation of persons belonging to national minorities in the public sector and public enterprises and Chapter IX – National councils of national minorities. In Chapter I all the activities focused on legal changes have been accomplished, paving the way to legal grounds necessary to make an entry of national affiliation data into collections of data, create affirmative action measures, train registrars, improve the separate electoral roll and make subsequent entries into the Register of Births. In Chapter V progress has been made as to the right to enter a personal name into civil records in the language and script of a national minority, through changes to the normative framework, capacity building based on training, a compulsory instruction and successful supervision. As for Chapter VIII, progress is based on amendments to quite a large number of laws and by-laws, laying the groundwork for keeping records, on a voluntary basis, of the representation of national minorities in the public sector and for introducing specific affirmative measures to support their employment in the public sector and the judiciary. The progress made in Chapter IX is based on amendments to the legislative framework regulating the work of the national councils and making the Budget Fund operational.

The sustainability of the existing format of the Action Plan has not been challenged in terms of the chapters and strategic orientation defined, as it meets international standards when it comes to the identified areas of relevance to the exercise of the rights of national minorities and insofar as it secures continuity in harmonisation with the recommendations of the Advisory Committee on the Framework Convention. What can be challenged though is the unsustainable structure of the Action Plan, lacking

enough measurable goals, results, activities (implementing bodies) and indicators, as well as clear links between them.

In this context, and having in mind the fact that the Action Plan is the sole public policy document fully committed to promoting the position of persons belonging to national minorities in different spheres of social life, the recommendation is to align it with the Law on the Planning System of the Republic of Serbia, prescribing standardised elements of a public policy document, such as an action plan, in order to improve its quality and make it possible to monitor adopted standards.

Having in mind the implementation of the Action Plan for the Exercise of the Rights of National Minorities and the degree of accomplishment of the strategic objectives and overall results therein, the question presents itself of a future approach to the rights of national minorities in the context of public policies.

On that account, there are three alternative options, viewed against the backdrop of capacity for meeting the strategic objectives and exercising the rights of national minorities.

1) Status quo – This option implies the implementation of the Action Plan in the existing format, or to abandon further development of the strategic framework in the field of the rights of national minorities and maintain the level of development that has been reached.

2) Option 1 – This option suggests corrections to the existing format of the Action Plan based on the Fourth Opinion on Serbia of the CoE Advisory Committee on the Framework Convention for the Protection of the Rights of National Minorities, with methodological adjustments to the structure of the document that would make it possible to attain the predefined objectives and results more efficiently, in compliance with the Law on the Planning System and the Regulation on the Methodology of Public Policy Management.

3) Option 2 – To draft a higher-ranked revised public policy document (a strategy or a programme), based on the methodological rules provided by the Law on the Planning System and the Regulation on the Methodology of Public Policy Management, Policy and Regulatory Impact Assessment and the Content of Individual Public Policy Documents.

5. Recommendations

Content

- ⇒ While defining strategic objectives, take into account the provisions of other public policy documents covering areas of relevance to the rights of national minorities,⁵⁶ in order to avoid formulating contradictory public policies.

Methodology

- ⇒ To align the structure of the Action Plan with the Law on the Planning System.
- ⇒ To adjust the reporting system and methodology in compliance with the Law on the Planning System, defining the manner of reporting on the implementation and outcomes of public policies.

⁵⁶ Culture Development Strategy 2020-2029, Strategy for the Development of the Public Information System in the Republic of Serbia 2020–2025, Strategy for the Social Inclusion of Roma in the Republic of Serbia 2016-2025 and the Action Plan for Chapter 23.

- ⇒ To adjust the existing reporting form so as to fill it in accordance with a prepared instruction or guidelines with respect to objectives, results, measures, activities, indicators and deadlines.
- ⇒ To reconsider the sources of verification and adjust those that do not contain relevant data or are not directly related to the strategic objectives and overall results.
- ⇒ To set up initial, intermediate and target values within the indicators to make them measurable.
- ⇒ To establish criteria against which to grade activity completion – “traffic light method.”
- ⇒ To report periodically at the level of results and strategic objectives, not at the level of activities alone.
- ⇒ To establish a method to monitor the deadlines, using a Gantt chart or an activity implementation plan.
- ⇒ To improve the methodology for the presentation of implementation costs, in line with a methodological framework designed by the Public Policy Secretariat of the Republic of Serbia and the Ministry of Finance to determine and calculate the standard cost of a planning document/regulation, disaggregated by the type of the cost.⁵⁷

Implementing bodies

- ⇒ To train, develop in terms of professional competence and prepare implementing bodies for the next cycle of reporting on the implementation of the Action Plan, taking into account previous experiences and results.
- ⇒ To conduct training programmes for civil servants and the national councils of national minorities to make them familiar with the elements comprising the Action Plan, the manner of its implementation and reporting methodology.
- ⇒ To improve coordination between the implementing bodies in charge of reporting, define clearly and draw a distinction between their roles, tasks and obligations.
- ⇒ To set up teams and a mechanism to monitor and implement the Action Plan by chapters and strategic objectives. Establish email communication between responsible persons within the teams, and between the teams, with the responsibilities clearly defined.
- ⇒ To establish clear reporting dynamics, with predefined deadlines for compiling and sending reports.
- ⇒ To establish a method for and monitor reporting by local self-governments and councils for interethnic relations.
- ⇒ For the purpose of inclusivity, define a way to expand involvement in reporting by independent bodies and civil society organisations.

⁵⁷ Public Policy Secretariat of the Republic of Serbia, Calculation of the Cost of Planning Documents and Regulations, <https://rsjp.gov.rs/cir/obracun-troskova-za-planska-dokumenta-i-propise/>

