

**MPDL – MOVEMENT FOR PEACE STATEMENT ON WORKING SESSION 1,
“TOLERANCE AND NON-DISCRIMINATION”**

2007 HUMAN DIMENSION IMPLEMENTATION MEETING

Warsaw, 24 September 2007.

Excellencies, representatives from different States and institutions, colleagues, ladies and gentlemen, under the “Tolerance and Non-Discrimination” working group of today, we would like to share with you some reflections and recommendations, obtained from the analysis of our activity in the Southeastern Europe, in the territories of Croatia, Serbia, Kosovo, Bosnia-Herzegovina and Montenegro.

Said activity is focused in the free legal assistance to refugees, returnees, displaced persons and other vulnerable citizens, especially minorities.

The mentioned reflections and recommendations are the following ones:

1. KOSOVO:

There is one specific law on Anti-Discrimination but, in general, either citizens or, what is worst, judges and civil servants, are aware of its existence.

We understand that, although the indicated law is technically reasonably good, the fact of its generalized ignorance requires an urgent action from the relevant stakeholders of the “international community”, in terms of information and education campaigns.

Additionally, but closely related to the legal protection of minorities, we have a great concern about the slowness of the court procedures and the massive backlog of cases. As long as citizens have to wait years for the first court hearing, the recognition of their rights and the access to justice is more than a questionable reality.

We believed that if certain actions would be addressed to unblock the described situation, it will definitely contribute not to have what are known as “rights in papers”.

2. CROATIA:

On the one hand, there is no specific law on Anti-Discrimination. Therefore, we invite the Croatian authorities to its prompt adoption, as the best mechanism to ensure the protection of the minorities living in Croatia.

On the other hand, there is the Constitutional Law on National Minorities, but from our free legal assistance activity we have detected that its implementation is not as appropriate as it should be, leading in some cases to the restriction of minorities in the access to employment within the administration in the “Areas of Special State Concern”.

Therefore, we recommend to the Croatian authorities the effective implementation of said law.

3. SERBIA:

There is not a specific law on Anti-Discrimination that guarantees the access to rights of minorities in Serbia.

We therefore invite the Serbian authorities to its prompt adoption.

4. BOSNIA – HERZEGOVINA:

First of all, there is not a specific law on Anti-Discrimination, so we repeat to the authorities from Bosnia-Herzegovina the already mentioned recommendation.

Additionally, both the Constitution and the Law on Elections limit the right to access to the different levels (state and federal) of government to the 3 constituent nationalities, that is, bosniaks, serbs and croats, denying the access to other citizens not pertaining to any of the mentioned nationalities to the cited right.

Notwithstanding the abovementioned, we welcome the recently opened debate by 3 main nationalities with the aim of recognizing said right to the minorities in Bosnia – Herzegovina, and we encourage them to continue till the end of this process.

Furthermore, we believe that it is necessary a prompt constitution, and effective functioning, of the Council on Minorities on the state level, a body already foreseen in the legislation but without a real activity nowadays.

To conclude, I would like to end our intervention with two reminders, in the light of the important intervention that supranational organizations are carrying out in Southeastern Europe, as it is the OSCE.

On the one hand, we understand that said intervention can not and should not forget the need to adopt specific laws on Anti-Discrimination that, inverting the burden of the proof, will place over the authorities the responsibility to prove that in their territory there are not discriminatory practices against citizens in general, and minorities in particular, as per ethnic, religious, national or gender reasons, among others.

On the other, is also very important that we all bear in mind that, without a proper knowledge of the law and without effective judicial mechanisms that can allow its real and effective implementation, within a reasonable period of time, the citizens will continue just being entitled to “rights on paper”.

Thank you very much for your attention.