



STATE OF PLAY - RECONCILIATION AND NO HATE SPEECH IN WB REGION

Country Desk Reports of Albania, Bosnia and Herzegovina,
Croatia, North Macedonia, Kosovo* and Serbia.

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Partners:




*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



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What is WALK ON project?

“Walking the path of reconciliation- empowering communities for a peaceful society -WALK ON” project is a capacity building project financed by **European Union under the Erasmus+ Programme**. The lead organization is Beyond Barriers Association from Albania in cooperation with five other partners from: Bosnia & Herzegovina-Mladi Volonteri, Croatia- LDA Sisak, Kosovo8-Lens, North Macedonia-Youth Cultural Center, Serbia-Educational Center Krusevac- Serbia. The project has started its implementation in 2019 and will be finalised in 2021.

This publication is developed based on findings from 6 desk research reports that mapped good practices and analysed the state of play in reconciliation, education for peace building, as well as hate speech policies in Albania, Bosnia and Herzegovina, Croatia, Kosovo*, North Macedonia and Serbia.

Based on these reports, a *Regional Policy Brief* has been produced and published in English, both online and in hard copy. Online versions of the Policy Brief are also available in the WB languages.

You can find the publication **REGIONAL POLICY BRIEF- NEW AGE OF RECONCILIATION: GENERATION Z AS THE ENGINE** online in BBA website under the section of Publications, [HERE](#)

This project aims to build the competences of youth workers, teachers, young people and community youth leaders in the Western Balkans, to address and work with reconciliation, countering hate speech and promoting peace building. Peace building cannot be reached if we don't all work together, therefore this project proposes a thorough approach in involving different stakeholders of the community and equipping them with skills and expertise how to fight these negative phenomena in their environment.

1.State of Play- Reconciliation and no hate speech in Albania

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Introduction

Reconciliation is a component and potential outcome of peace building, among other elements including institution-building and effective governance, community development, social economic development, social reconstruction, empowerment and 'dealing with the past'. Reconciliation is considered both a determinant for the democratization process of these countries and a precondition for them to join the EU.

The reconciliation process in the Western Balkans is a multidimensional and complex issue for several reasons, including the number of countries involved in such a circumscribed geographical area with different ethnicities and religions professed by the local societies. Reconciliation in the Western Balkans has both dimensions –internal, between confronted ethnic groups, and inter-state, between the newly established states which emerged through wars. Thus, the reconciliation process is supposed to be more complex, long lasting and demanding specific coalitions of actors and sets of activities (Europeum, 2019).

Reconciliation seeks to attain the improvement of mutual relations between involved parties, and this evolves into a long and multi-faceted negotiation process which leads to the gradual (re)establishment of trust (Rosoux, V. 2013). Reconciliation involves the formation or restoration of genuine peaceful relationships between societies and that this requires extensive changes in the socio-psychological repertoire of group members in both societies (Ackermann 1994, Rothstein 1999; Wilmer 1998). There is no magical model allowing for a swift and painless reconciliation process for local societies. Nevertheless, reconciliation has to be considered a key part of the solution for the Western Balkans because at the end of the day all countries in the region are interdependent on each other and seek a common future perspective in the wider European framework.

The concept of reconciliation in Albania is not the same as in other Balkan countries, as Albania has not had a war or open conflicts. Albania was not an arena of a more serious ethnic or armed conflict. Although some sources claim that the Kosovo War may be considered an important factor affecting Albania since a large number of members of the Albanian nationality from Kosovo immigrated to Albania, it did not have a greater impact on the minority policy of the country. Exactly for this reason, reconciliation related situation in Albania cannot be viewed from the perspective of reconciliation with the past, but the story of minority should be viewed from the perspective of coexistence and multi-ethnicity. Reconciliation in Albania is mostly related

with the perception that young people get when travel through the region, is related with minorities, cultural diversity and learning.

Policy documents' mapping in Albania

Albania acknowledges two groups of minorities, those who are considered national ethnic and those who are considered cultural and lingual minorities. Albania has three national recognized minorities (Greek, Slavic – Macedonian and Montenegrin and two "linguistic minorities" (Vlach and Roma), where the latter have as single specific the language in relation to the autochthon part of the Albanian population. These groups represent only two percent of the population (Census, 2011). Another minority group in Albania is the Bosnian minority, however the government of Albania does not mention it in its statistics and international reports (Council of Europe, 2001). After the collapse of the socialist system and the rise of democracy in Albania, the government has been committed to the protection of human rights, including the rights and freedom regarding the minorities. This commitment has been strengthened after the signing of the Stabilization and Association Agreement with the European Union (EU), and the accompanying obligations for the implementation of the European Convention on Human Rights and the Framework Convention of the Council of Europe "On the Protection of National Minorities", ratified by Albania. Such commitment is realized by incorporating into the national legislation, the international standards stipulated in the international instruments of human rights in which Albania is part of. Moreover, it aims to implement those standards in practice. The annual progress report of the EU for Albania (2015) highlights that a mutual relationship of respect and tolerance between national minorities and the majority population generally prevails in the country and as regards the respect for and protection of minorities, inter-ethnic relations remain good. However, implementation of legislation is not as progressive as the development of the regulatory framework. The danger of hate speech towards minorities when someone is being targeted as a result of joining a group that is more than individual opinions, this it's the red flag that we all need to pay attention to because hate speech is being used.

A recent study exploring the promotion of human rights and minority protection in south east Europe concludes that there is a low awareness on Convention, Charter and minority rights, which is highly visible among minority groups rather than non-minority (European Union and the Council of Europe, 2015). The data shows that this negative trend is more obvious among young respondents than adults and is reinforced and increased as the education level gets lower. This is a concerning issue to take in consideration, as it is expected that minorities should be more aware of their rights than other people in society, involved more in minority protection either as professional or volunteer. In general, language tradition, culture and education were the most important rights mentioned by all the respondents, followed by equality. However there is a striking difference when comparing rights for different minorities. While for Roma and Egyptian high priorities were shelter, employment and house rehabilitation, for Greek they were mainly to be able to write Greek citizenship in certificates, respecting nationality in documents, freedom of speech, for Bosniak priorities were to be recognized as minority and preserve language and education and for Montenegrins they were language, tradition and culture. The main barriers perceived by the respondents are lack of commitment, awareness and interest, and lack of funding as well. The international community and minority persons are deemed the as responsible actors for taking minority protection measures, while civil society,

local and regional authorities are seen as actors with less responsibility. In relation to the responsibility of actors for taking minority protection measures, the international community is seen more as a “savior” party for implementing and ensuring that such rights are protected for minorities. Instead of a responsible actor, it is assumed to be one of the most trustful actor (European Union and the Council of Europe, 2015).

In terms of non-discrimination, the policy and legal framework is generally aligned with EU standards. The Law on protection against discrimination does not address the concept of multiple discriminations. The implementation of the anti-discrimination legal framework needs to be strengthened by the continuous provision of specialized training to judges and prosecutors. In 2018, the Commissioner for Protection against Discrimination (CPD) handled an increased number of cases of alleged discrimination (205 cases handled in 2018, against 173 in 2017), out of which 179 complaints and eight ex-officio. The Commissioner participated in 66 judicial proceedings (53 in 2017) and imposed seven penalties (against 11 in 2017). Laws on hate speech are in line with international standards. Three cases of hate speech were registered during the year, and related complaints were submitted to the CPD on minority, gender and sexual orientation grounds. Awareness campaigns were organised across the country, but much remains to be done to eliminate the stigma of being discriminated against, particularly in rural and remote areas (European Commission, 2019).

Observance of minority rights in Albania under the lens of Framework Convention for the Protection of National Minorities has been the object of a special report by the People’s Advocate. Findings of this report lead to the conclusion that the legal framework for the protection of minorities has deficiencies and needs to be improved and completed. Often it highlights the need for adequate measures and increased opportunities for the education of minorities, including teaching in minority languages, as well as promotion and development of the cultural identity of the minorities. Also, concrete legal and administrative measures are needed to improve their access to housing, education services, social services and participation in public life. Real integration of minorities and other communities in decision-making at local and central level is demanded. Likewise, an uncontested and widely accepted census of minorities and other communities would be crucial to providing the real figures for minorities and other communities. In fact, the 2014 national conference discussed the findings on the rights of minorities in Albania, without excluding other communities.

Local, national and regional level on transitional justice and/or reconciliation

The rights of minorities in the Republic of Albania are enshrined in the constitution and some laws. The Albanian Constitution (Law No. 8417, 21.10.1998, amended), drafted to meet European standards, defines national minorities as an integral part of Albanian society. It guarantees minority’s full equality before the law and in the exercise of their freedoms. Key articles acknowledge their rights:

Article 18: “All are equal before the law. No one shall be unjustly discriminated against on grounds of gender, race, religion, ethnicity, language, political, religious or philosophical beliefs, economic condition, education, social status, or ancestry. No one shall be discriminated against for above-mentioned reasons, if reasonable and objective legal grounds do not exist”

Article 20: "Persons belonging to national minorities exercise in full equality before the law their rights and freedoms; They have the right to express freely, without prohibition or compulsion, their ethnic, cultural, religious and linguistic belonging; They have the right to preserve and develop them, learn and be taught in their mother tongue, as well as unite in organizations and associations to protect their interests and their identity."

The Code of Administrative Procedure (Law 8485, date 12.5.1999), states that in relation to private entities, public administration governed by the principle of equality in the sense that no one should be privileged or discriminated against because of race, religion, ethnicity language, political opinions, religious or philosophical beliefs, economic, education, social status or ancestry. The latest amendments in the Penal Code (Law 114/2013) make discrimination on grounds of gender, race, religion, nationality, language, or political, religious or social belief an aggravating circumstance of any offence. The distribution of racist or xenophobic materials through computer systems, and insults of racist or xenophobic motivation are criminalised. The Code of Civil Procedure of the Republic of Albania provides for the use of the native language for people who do not know English at all stages of the trial and receive information on all the evidence and conduct of the trial through an interpreter.

The Law on Pre-University Education System (Law no 62/2012) ensures equal rights to all citizens to be educated at all education levels determined by this law, regardless of the social status, nationality, language, gender, religion, race, political belonging, health condition and economic level. Albanian legislation guarantees the proper development of the elections and the participation of minorities in the electoral process¹. Furthermore, the law on Political Parties (Law no.8580, date 17.02.2000) guarantees the constitutional right to order the participation of minorities in public life.

The Law on Protection from Discrimination (Law no 10221, date 4.2.2010) guarantees the right of everyone to equality before the law, equal protection by the law, effective protection from discrimination and any form of behavior that incites discrimination, regardless of membership in a minority. The Commissioner for Protection from Discrimination was established based on this law as an independent institution to support efforts to provide effective protection from discrimination or any conduct that encourages discrimination.

People's Advocate (Law No. 8454, 4.2.1999) is another guarantee for the protection of the rights of persons belonging to the minority groups. Its main competence is to defend the rights, freedoms and legitimate interests of individuals from unlawful and improper action and failure to act of the organs of public administration. In addition to that, Article 12 of the law "On the People's Advocate" provides for a complaint procedure. It states that any individual, group of individuals or NGOs can address the claim to the Ombudsman for an alleged violation of their rights, freedoms or legitimate interests from the unlawful and improper action and failure to act of the organs of public administration.

The State Committee for Minorities, established through the Decision of Council of Ministers no. 127, 11.03.2004 is an administrative organ, created to protect and promote the minority issues. The Committee has in its structure the representatives of the minority groups. The Committee has as the main role to promote the participation of persons belonging to minorities in the country's public life. Nevertheless, the

¹ Law no. 9087, dated 19.06.2003, "The Electoral Code of the Republic of Albania", as amended by Law no. 9676, dated 01.13.2007.



Committee is focused on its work to improve the standards in respecting the rights of minorities in Albania. In respect to that, it proposes concrete measures for the economic, social and educational development of minorities. To achieve such a goal the Committee cooperates on the one hand with central and local government organs and on the other hand with organizations and associations dealing with minority issues.

Regardless of the provisions through different laws and institutional mechanisms in the country, it is clear that the main gap remains the lack of a particular law on the rights of minorities for the establishment of appropriate legal criteria for recognition of minorities and ensuring access and real rights for all minorities. Under these circumstances, protection of their rights remains fragmented and incomplete. As regarding cultural rights; public education in minority languages is not yet available for all minority groups. Albania has not adopted the European Charter for regional and minority languages, which is considered by the government in power as a package of reforms to promote the rights of minorities in light of the accession to the EU.

After the fall of communism, reconciliation mechanisms started to be established through the support of the Danish Government, strengthening the capacities of a local non-for-profit organization in promoting alternative forms of mediation. This was considered part of the programme to reform the Juridical System in the country. With the support and guidance of the European Union, the law on "Mediation and dispute resolution through reconciliation" was drafted, to be adopted in 11.03.1999, as law no.8465/1999. As a result, several reconciliation centers were set-up as civil society organizations to promote and institutionalize the implementation of this alternative of resolving conflicts in the civil, family and penal fields.

The legal framework was improved with the approval of the new law no. 9090, date 26.06.2003 "For the mediation of dispute resolution". The law provides the opportunity not only for non-for-profit organizations, but also for-profit entities to offer such service. Furthermore, the list of disputes included the trade related ones. The other amendments in the law, no. 10385, date 24.02.2011, introduced a new mechanism for mediation – the establishment of National Chamber for Mediation/Reconciliation, as a legal entity. The law regulates the licensing by the Licensing Commission at the Ministry of Justice of individuals to practice reconciliation/mediation. Around 200 people are trained to offer/practice mediation. As part of the EU supported project, 20 mediators have been trained from Roma community.

The National Chamber of Mediation is an independent body and has signed a number of memorandum of understanding with different institutions, such as District Courts, Police Departments, etc. Up to 2015, 213 cases of dispute have been registered, and only 78 have been successfully solved/reconciled. 367 individuals are licensed as mediators, 3 entities, but in practice are active only 51 mediators and 2 entities. There is no information on the cases specific for Roma. However, it is expected that the need for such practice is much needed among the minority, having less opportunities for legal representation.

However, the law has not achieved its objectives, it consists of a mere translation of the EU directive on the field, and the does not take into consideration the dispute resolution practice in the country. The law itself has not been harmonized with other legal Codes, so mediation is not mainstreamed. Therefore the court practices are limited in the utilization of the mediation/reconciliation alternative. Individuals are not oriented towards choosing this alternative.



National ethnic, cultural and lingual minorities development in Albania

The majority of the available analysis and other documented official information on specific ethnic minority groups in Albania, is for Roma and Egyptian community. A recent report (INSTAT et al., 2015) reviewed the counting of the Roma population, explaining that, "The estimates of the size of the Roma population in Albania varies from more than 100 000 from Roma organizations to 13,702 persons reported by Roma population mapping survey." According to the census estimates, there are 8,301 Roma individuals and 3,368 Egyptians (INSTAT, 2011).

Problems faced by Roma and Egyptian communities are a priority in the context of the fulfillment of the European Commission recommendations for Albania and remain as five key priorities for opening accession negotiations. One of these five priorities is the protection of human rights (including nondiscrimination policies, Roma community, and the implementation of property rights)².

In spite of all these steps taken by the Albanian government at the legislative and policy levels, the level of guaranteeing the rights of these communities is insufficient. The Roma communities are among the most politically, economically and socially neglected groups in Albania. Among Roma minorities the housing situation remains challenging and the living conditions of the Roma inhabitants without access to running water and lack of infrastructure are a matter of deep concern. Other significant problems issues related to housing, high rates of unregistered births and non-registration which remains high among the Roma community, followed by a low level of knowledge of the Albanian language, lack of education, and high unemployment rates. Roma minorities in general have large families and live in rural areas or in the remote areas of cities. The characteristic of the Roma minority is its nomadic life and they are mostly engaged in trading. They move from one region to another, depending on the seasons (Amaro Drom, 2015). The Egyptian minority are settled in the cities. Small Gypsy communities live in the rural areas, historically known by everyone, as the Gypsy neighborhoods. Unlike the Roma minority (with whom they are often mistaken) they did not preserve their language. Therefore, Egyptians speak Albanian language. They are distinguished as good artisans, especially as shoemakers, tinsmiths, blacksmiths etc. Traditionally they are known as folk instrument players. They are believed to be well integrated into the Albanian society (Xhaxho, 2007).

The majority of the Greek minority is circular migrant to Greece; they are mainly engaged in small businesses, such as construction of hotels or restaurants, especially on the southern coastline of Albania. (Xhaxho, 2007). The Greek minority has quite significant economic, political and social value (Vicker & Pettifer, 1999). The status and the situation of the Greek minority population in the south of the country has been objects of frequent contacts between the main political parties. The Greek minority are represented by the Democratic Union of the Greek Minority, OMONIA, and by the political party the Union of Human Rights Party, which has been in coalition with both the Democratic Party and the Socialist Party³. The ethnic Greek minorities were, and are, the only minority in Albania large enough to have political, economic and social significance. This is

² Ministry of European Integration, National Plan for European Integration, June 2014.

³ OMONIA was formed clandestinely in December 1989 and was officially launched a year later in order to promote the interests of the Greek minority in Albania.

augmented by their proximity to the neighboring Greek state and to which they seek ever closer economic and cultural links.

The Macedonian national minority is concentrated in the area of Prespa situated 30 km northeast from Korca district. This area extends to the southeastern corner of Albania, bordering Former Yugoslav Republic of Macedonia and Greece. The population is settled in the Albanian border in the villages along the line of Lake Prespa. This minority lives in a compact manner in the rural environment, but there are also inhabitants of this ethnicity settled in the cities namely Korca, Porgradec, and Tirana. The Macedonian minority is engaged mainly in agriculture, live-stock and fishing.

Persons belonging to the Greek and Macedonian minorities residing outside the former "minority zones", whose ethnicity was not entered or was entered incorrectly in their birth certificates, and persons belonging to other minorities, in particular the "ethno-linguistic" ones whose ethnicity was never recorded, have not been granted the right to declare freely their ethnic origin. Minority language is allowed and taught on all stages of education and they can choose more than one text (Lame, 2014).

Montenegrin (known also as Serbian-Montenegrin) national minority lives mostly in the northwestern part of Albania near the lake of Shkodra and off the border with Montenegro. This minority is settled in various small villages in the area of Vraka namely Gril, Omaraj, Borici i Vogel, located in the north part of the city of Shkodra⁴ and the majority of them is settled mainly in the city of Shkodra, which is the Albanian centre closest to Montenegro. The Montenegrin minority, as of the 1990s, had the possibility to travel freely to former Yugoslavia, which consequently intensified the commercial relations and positively affected the welfare of this community. Besides, from the trade exchanges with Montenegro, the actual inhabitants of the villages earn their living through agriculture.

Promotion of equality, tolerance and no hate speech

The European Network of Equality Bodies in cooperation with the Commissioner for Protection from Discrimination presented the Recommendations that are very necessary to be followed by civil society organizations to create synergy between promoting the principle of non-discrimination, equality and tolerance. In support of the principle that equal treatment and non-discrimination are the foundations of the universal human rights system as well as the fundamental principles and values of the European Union. Drawing on the fact that equality bodies are independent state institutions established in Europe to promote equality, combat discrimination and harassment and often have a mandate to deal with hate speech.

Recognizing and accepting the principle that freedom of expression is one of the most fundamental human rights and which has value to apply not only in the case of "information" or "ideas" which are considered favorable, harmless or to whom we may be indifferent, but also to those "information" or "ideas" which create

⁴ First Report on National Minorities in Albania, submitted by the Republic of Albania, under Article 25, paragraph 1, of the Council of Europe's Framework Convention for the Protection of National Minorities, to the Advisory Committee, 2001, page 14; ACFC/SR(2001)005.

a breach, shock or disturbance to the notion of the State or a sector of the population. Also based on the principle that freedom of expression is not absolute and it is necessary to prevent hate speech, defined as any form of expression through which intolerance-based hatred is propagated, promoted, promoted or justified.

Recognizing that discrimination, harassment, hate speech, and election campaign ideologies or discourses that are based on ideas or theories of inherent superiority of a group of persons because of their personal characteristics are directly and necessarily inconsistent with democratic principles and are able to undermine the fundamental values of democratic states and our shared constitutional traditions.

The European Network of Equality Bodies in cooperation with the Commissioner for Protection from Discrimination recommended that political parties and candidates, as well as the people who work for them, in their programs and campaigns, must refuse, use, or support a language that may be considered hate speech. In terms of media bodies, it was stated in the report that they should refuse to use or support hate speech. Reporting on the use of language in election campaigns which may be considered hate speech must be done responsibly, with appropriate explanations and critical reflections on the context. Furthermore, media bodies, in their coverage of election campaigns, should responsibly and fairly address sensitive topics related to groups designated by common and protected personal characteristics to avoid stigmatization. Reporting on such sensitive topics should be accompanied by appropriate explanations and critical reflections on the context.

Civil society organization and reconciliation approach

National and international organizations have played a vital role in addressing peace and reconciliation regardless of the government position. Civil society and youth are among the pillars of democracy and one of the main actors in addressing important reforms and issues in the EU accession process. European Union funds specifically Erasmus Plus, European Solidarity Corp (European Voluntary Services) have been sustainable programs since 2005 and to this day, not with a specific focus on peace and reconciliation but with a special focus on promoting cultural diversity and intercultural learning between young people in the Balkans and Europe. The EU youth policy specified greater emphasis of the importance role of intercultural learning and cultural learning in enhancing social cohesion, challenging social exclusion and inequality, and developing human and social capital.

Regional Youth Cooperation Office (RYCO) is an international organization established by the Western Balkans 6 participants - Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia, which aims to promote the spirit of reconciliation and cooperation between the youth in the region through youth exchange programs. The Agreement on establishment of RYCO was signed by the WB 6 Prime Ministers on WB Summit held in Paris, on 4 July 2016. RYCO is promoting reconciliation, trust, cooperation and dialogue in the Western Balkans through supporting and funding projects which bring youth of the region together. RYCO's programme focuses on creating opportunities for young people to engage in activities that build mutual understanding and reconciliation in the civic, social, educational, cultural and sports domains.

RYCO initiates and participates in policy making and advocates for reform. It supports the development of a political and social environment that empowers and facilitates youth exchange. RYCO is an intergovernmental organisation that stewards and promotes regional, cross-border and intercultural cooperation within and among its six Western Balkan Contracting Parties. RYCO's unique governance system brings together government and civil society representatives to ensure young people are represented at all levels within the organisation.

Western Balkans Fund (WBF) is an international organization located in Tirana, Albania, founded by the governments of Albania, Bosnia and Herzegovina, Kosovo *, North Macedonia, Montenegro and Serbia. Its establishment, as an all-inclusive and regionally owned initiative, is considered as a clear sign of a new cooperation spirit taking roots in the Balkans. The Agreement for the creation of WBF was signed by the Ministers of Foreign Affairs of WB6, on November 2015. The Fund has become operational on October 1, 2017, after the conclusion of the ratification procedures by all parliaments of its constitutive members. WBF is financed by the six Contracting Parties in equal quotas. Its Secretariat is in Tirana and it is composed by experts coming from all over WB Region. WBF aims to promote cooperation and the common values between citizens, civil society and people to people contacts, by providing funding for small and medium projects, in the following key areas: Sustainable economic development; Education exchange and cooperation; Cultural cooperation. Youth, cross-border cooperation, European integration and gender, are overarching issues, covering all WBF areas of cooperation.

South East European Youth Network (SEEYN) gathers organizations that involve and engage people who truly care about stability in the region, reconciliation process, bright future of youth and who take this process very personally. SEEYN have started its successful story in 1999. The mission of SEEYN is empower CSOs and young people in the South East European region to engage in peace and reconciliation, community development, economic empowerment and solidarity programmes through capacity building, advocacy, social innovations development and cooperation.

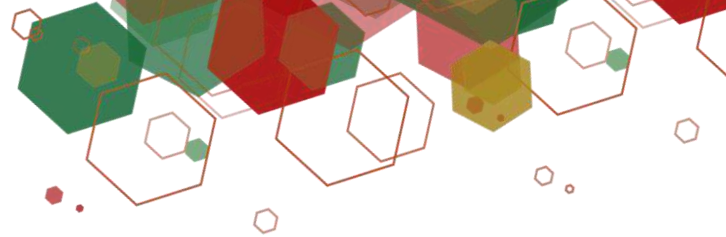
"Divided Past – Joint Future" was a project implemented by a consortium of 18 partners (7 IPA beneficiary countries plus Slovenia, Croatia, Austria and Netherland). The overall objective of this project was to have Civil Society Organizations (CSO's) recognized by governments as an important societal factor with strong capacity to implement peace-building and reconciliation. Project consortium involves CSOs, among which was Beyond Barriers Albania, research institutes, foundations, resources centers and Erasmus NAs and 13 associated business partners. Duration of the project was 48 months (2016 – 2019). The leading applicant was Youth Communication Centre Banja Luka and this project is financed by the European Union.

The No Hate Speech Movement was a Council of Europe campaign promoting human rights and freedom of expression on- and offline, combatting hate speech, including cyberbullying, through education and awareness-raising activities. The campaign was implemented through national committees in 43 countries across Europe, as well as in Morocco, Canada and Mexico, together with numerous partners and online activists. Albania was one of the countries that have participated in Hate Speech Movement. Education is an ally in the fight against hate speech, and has been an important basis for the work that was done by the No Hate Speech movement in Albania. Thirteen civil society organizations, members of the No Hate Speech Committee, have supported the campaign in Albania, have promoted equality and equity, fight discrimination and hate speech and have promoted human rights for all.

Fighting against the escalation of hate speech and discrimination in Albania was a converging point for civil society, members of parliament, representatives of the government and other politicians, outside partisanship. Support has been provided by the government namely, the Ministry of Education, Youth and Sport and Ministry of Health and Welfare and the donor community. A number of innovative projects were implemented out by the Ministry of Education, Youth and Sports, such as pilot educational programmes in nine schools in Tirana, and the adoption of extra-curricular activities in other municipalities to stop bullying, hate speech and discrimination.

Recommendations and possible interventions in the field

- Albania has a variety of minority groups, some of them persist to face barriers and challenges based on their ethnicity;
- The danger of hate speech towards minorities when someone is being targeted as a result of joining a group is high in Albania and it can lead to severe cases of hate speech;
- The needs between different minority groups differ, while the Roma community seeks for employment and housing, the Bosnian community needs their language and rights to be considered;
- Legislation on hate speech, peace, human rights are in line with international standards in Albania, however, their implementation still remains challenging;
- Reconciliation is not an elaborated issue in Albanian policy agenda and is mostly addressed from different project implemented by national and international organization. There is a need to have a clear understanding and framework about the reconciliation strategies that can be used to make youth participation in reconciliation processes more efficient and effective by implementing democratic way of work and human rights respect.
- Albania lacks the tools to address issues related to reconciliation because they have not been the focus but on the other hand Albanian youth travel through the region and conflicts between the regions affect young Albanians. The need to develop such tools and raise awareness among young people on reconciliation issues is a necessity.
- When it comes to hate speech and reconciliation, is important to equip youth workers with the needed tools, knowledge, information, competences and attitudes.




Tools and resources available for other youth workers and organization's to use

- Media regulatory authorities and hate speech <https://rm.coe.int/media-regulatory-authorities-and-hate-speech/16807338f5>
- Civil society in prevention and countering of violent extremism in Albania http://www.qag-al.org/ang/publication/alb_en_2.pdf
- Violent extremism vs. intercultural dialogue <https://pvnalbania.org/wp-content/uploads/2019/12/Manual-Violent-Extremism-vs-Peace.pdf>
- Process of Reconciliation in the Western Balkans and Turkey: A Qualitative Study <http://jointfuture.org/wp-content/uploads/2017/12/Process-of-Reconciliation-Qualitative-study.pdf>
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2. State of Play- Reconciliation and no hate speech in Bosnia and Herzegovina

AUTHOR: ADNAN MEVIĆ- BOSNIA AND HERZEGOVINA

Executive Summary

Bosnia and Herzegovina is a country which, after the war of 1992 to 1995, with the support of the international community, began a peacebuilding process, a process of preventing hate speech. 25 years later, much has been done, but the process of reconciliation and the process of stopping hate speech towards others and others is not over yet. NGOs play a particularly important role in the process of reconciliation and the prevention of hate speech, since the government is not interested in these processes.

In this research, we will present you the basic models, actors, projects and programs that have been implemented during these 25 years, but still today. We want the research to serve as a model for anyone working on peacebuilding processes. The paper presents basic models of education for citizens in reconciliation processes, the most important projects and programs currently being implemented, the most important civil society organizations working for peacebuilding. Also, certain measures taken by the international community are presented. All of this can serve as an example of good practice, but also an example that, with some adjustments, can be applied in any conflicting society.

Also, the study presents some national, governmental, policies that have been implemented but have not had a major effect on the process of reconciling and preventing hate speech in Bosnia and Herzegovina.

RESEARCH AIM

The aim of this research is to show that, with the efforts of various international as well as domestic activities, reconciliation processes can be accelerated and the level of hate speech in Bosnia and Herzegovina can be reduced. To map basic models of education for citizens in reconciliation processes, the most important projects and programs currently being implemented, the most important civil society organizations working for peacebuilding. Also, certain measures taken by the international community are presented.

To map good practice, but also an example that, with some adjustments, can be applied in any conflicting society.

Also, to map some national, governmental, policies that have been implemented but have not had a major effect on the process of reconciling and preventing hate speech in Bosnia and Herzegovina.

METHODOLOGY

The importance of this desk research is reflected in the assessment of achievements in peacebuilding and hate speech in Bosnia and Herzegovina, 25 years after the end of the war. Also, through this research, I have tried to provide guidance for future action and implementation of activities by various NGOs, local and national actors, in order to improve the peacebuilding process and reduce the level of hate speech. Data collection was mainly dependent on the secondary sources. A desk review methodology framework was developed to address the desk review questions outlined in the TORs, based on the desk review criteria. The desk review methodology framework expands upon the TOR questions, and thus provides a wider interpretation of the issues.

Thru this process I conducted a desk review of documents at country and local levels. Country level documents were drawn from a number of sources such as: government of Bosnia and Herzegovina, International NGOs, multilateral and bilateral agencies working in Bosnia and Herzegovina and domestic organisations. The documents used in this research have been found on the Internet and are accessible to all individuals, including various analyses, reports, manuals, but also different guides for action. Qualitative research and its techniques have been used for the desk review:

- Literature review by analysing secondary data: During the desk review peace, reconsolidation, extremism, migration, human rights, legal and socio-economic data (policies, strategies, reports, protocols, regulations and other related documents) has been reviewed.
- Interpretive techniques (coding and recursive abstraction) were applied while conducting the secondary data analyses. Validity was addressed as a central challenge in order to ensure credibility of the review - reference check, conformability and balance was observed as ways of establishing validity.

Literature review and highlight in main findings

Bosnia and Herzegovina is a country that has been at war for four full years. In that war, over 200,000 people lost their lives, and millions left their homes and had to start their lives elsewhere. Following the signing of the Dayton Peace Agreement, it was necessary to establish various programs and projects that helped the community in the process of reconciliation and the resumption of life. The reconciliation process and the process of preventing hate speech was very difficult and complex. Even some cities were divided. For example, reconciliation and the prevention of hate speech began in 1995 and continue today, as these processes are still considered to be incomplete.

In order to achieve this, different projects have been implemented, different manuals have been developed, education and training of individuals leading the reconciliation process and international support provided. However, due to various problems, these processes go very slowly, and the continued emergence of

nationalism still prevents total reconciliation between peoples. One of the key actors in the reconciliation process were, and still are, non-governmental organizations that implemented various programs, projects and activities on peacebuilding, reconciliation and the prevention of hate speech. Almost all programs are based on the population of young people, but also the population of connecting families and family members who participated in the war, and ordinary citizens who were in exile (Božić, 2011).

In most cases they are based on (FES, 2018):

- Educational programs for young people;
- Projects for connecting and getting to know each other members of warring communities;
- Programs for dealing with the past;
- Internet hate speech programs.

Educational programs for young people are a set of different activities, starting with ignorance being the root cause of distrust. The main objective of all educational programs is to develop different skills of participants in programs that will prevent and prevent the creation of prejudices and stereotypes against other people's living in B&H (Camica 2007). In Bosnia and Herzegovina, this is the most widely used method of reconciling and preventing hate speech. It is mostly used by non-governmental organizations that, through informal education, educate generations of young peacekeepers. Currently, one such project is being implemented as a project STAR - Social Transformation and Reconciliation, funded by USAID in B&H. This project has been active in B&H, whose main objective is to influence the reconciliation of peoples in B&H. This project is being implemented jointly by the Youth Initiative for Human Rights - YIHR, the Peacebuilding Center, the Nansen Center in Sarajevo, and the PRONI Youth Center in Brčko⁵

Interconnected community warfare projects are programs and projects designed to involve intergroup contact in a controlled environment. Intergroup dialogue programs typically include a series of face-to-face discussions and experiential exercises between members of two groups, encouraged by the facilitator. Although most dialogues are conducted in an academic setting, they can also be conducted in work organizations, government institutions, but also in the neighborhood or similar community. The aim of these dialogues is to improve intergroup understanding and provide participants with the skills they need for interaction that goes beyond group boundaries. Unlike other intergroup programs, in this approach conflict is often openly discussed and discussed. Participants were encouraged to express their feelings and discuss their reactions to prejudice, stereotypes, discrimination and conflict (Bozic, 2015). One of the projects currently active since 2013 is the USAID program called PRO - The Future. This project is being implemented in 70 local communities in B&H, in cooperation with non-governmental organizations, institutions and individuals. The aim of the project is to build trust and reconciliation among all ethnic and religious groups in Bosnia and Herzegovina through connecting communities that have had little or no cooperation with each other in the past (<https://www.probuducnost.ba/>).

One of the more recent initiatives that works by connecting and leaving young people from different countries to get to know and talk with each other is the RYCO initiative, which brings together six Western Balkan countries, but also the Wester Balkan Found initiative. The programs of dealing with the past, for the most part, bring together participants in the war, who bear certain traumas from that period and who, because of that time, are in most cases radical in their views. Programs to cope with the past are designed to address emotional trauma and the needs of people in Bosnia and Herzegovina in order to create problem-

⁵ <http://www.proni.ba/2019/04/25/societal-transformation-and-reconciliation-star-drustvena-transformacija-i-pomirenje-facilitacija-dijaloga/>.

solving programs that can help resolve problems caused by long-term conflicts (FES, 2011). How important this program is, says the fact that one of the most famous European film festivals - the Sarajevo Film Festival, has included in its program films that deal with the presentation of real histories and called it Facing the Past (<https://www.sff.ba/page/facing-the-past>). It is believed that these programs can present real historical facts and dispel the myths that govern BiH society.

Programs to prevent hate speech on the internet have been very active in the last few years, as there is a clear increase in this phenomenon against various ethnic groups living in the territory of Bosnia and Herzegovina. One of the initiatives currently underway in BiH is the initiative of CAT - Citizens Against Terrorism. The primary goal of this initiative is to present positive stories, positive narratives from a community that has been in conflict or bound by certain stereotypes. This is a joint initiative of united students of Bosnia and Herzegovina.

However, in addition to these projects, there are also several non-governmental organizations active in Bosnia and Herzegovina implementing various projects and programs, based on the need for reconciliation and the prevention of hate speech.

Currently, the best known organizations in this field is the Association "Network for Peace Building". This association acts as an independent association and brings together over 140 different non-governmental organizations, schools and institutions working in different areas of peacebuilding. This association also has its own online library made up of professional literature on peacebuilding.

In addition to this Association, in B&H there are organizations that were based on the processes of peacebuilding and reconciliation. All of them continuously carry out different programs and projects in order to accelerate these processes. Some of the most famous associations in this field are:

- Peacebuilding Center from Sanski Most (<http://unvocim.net/eng/>);
- Forum Ziviler Friedensdienst e.V. - ZFD Forum <https://www.forumzfd.de/en/westernbalkans>);
- Youth Initiative for Human Rights in B&H (<http://yihhr.ba/>);
- International Center for Peace (<http://sarajevskazima.ba/en/>);
- Peace Academy (<https://www.mirovna-akademija.org/rma/index.php?lang=ba>);
- Nansen Dialogue Center Sarajevo (<http://www.nansen-dialogue.net/ndcsarajevo/index.php/bs/>);
- Trial International in B&H (<https://trial.ba/>)
- Post-Conflict Research Center (<https://p-crc.org/our-work/>);
- Helsinki Committee for Human Rights (<https://helcommrs.org/>).
- add

All of them, but also many more civil society organizations, are working to build B&H society through reconciliation among nations.

The legal framework in BiH

When we talk about the legal framework, then we can point out that Bosnia and Herzegovina is a complex state with fourteen constitutions and different competencies belonging to different levels of government. First of all, there is the state, entity, cantonal, local and Brčko District levels. Each of these levels has its own laws governing the area.


These laws are mutually harmonized under pressure from the international community and the EU in B&H. However, Bosnia and Herzegovina still do not have laws that sanction hate speech and oblige institutions and individuals to work on reconciliation processes.

One of the most controversial laws being discussed is the Law on Prohibition of Denying Genocide in B&H. Specifically, this law would greatly help to sanction those who deny the facts established in court proceedings. The importance of this law is in fact that every person who deny genocide or some court judgments can be put in jail or have some punishment. However, B&H politicians (especially those coming from the Entity Republic Srpska) do not want to adopt this law. Adopting this law would also prevent their further manipulation of voters, since research shows that this is still the easiest way to gain voter sympathy. Also, in 2010, Bosnia and Herzegovina started drafting the Transition Law Strategy, when I appointed an expert group to draft this strategy. Although it took this expert group two year to develop the strategy, it was only 206 years that the authorities decided to take some steps towards its adoption. However, to date, this strategy has not been adopted (Isheric, 2018). However, under pressure from the international community, different measures have been incorporated into different laws to try to ensure equality of all peoples. Just one example of such a law is and the Civil Service Act, which provides that each local community has to have a certain number of employees from certain ethnic groups. Thus, in certain communities, complete processes are suspended as the rules of this law are abused.

Hate speech in Bosnia and Herzegovina is recognized independently of the reconciliation process. Bosnia and Herzegovina, in accordance with the international framework, has adopted a series of regulations which regulates hate speech and established institutions tasked with combating this phenomenon. Hate speech is not explicitly included in criminal laws in B&H, but these cases are referred to as "provoking religious and national hatred and intolerance", which is treated by the B&H Criminal Code (Article 145a), the FB&H Criminal Code (Article 163), RS Criminal Code (Article 390) and Brčko District Criminal Code (Article 160) (Raosavljević, 2015) The B&H Criminal Code imposes a sentence of imprisonment for a term between six months and five years for a person who, on any forbidden basis, denies or restricts civil rights or gives citizens unjustified privileges or benefits.

The Criminal Code of the Federation of BiH prescribes a sentence of imprisonment of one to ten years for a person who publicly provokes or incites ethnic, racial or religious hatred, strife or intolerance among constituent peoples and others living in the Federation, and the amount of punishment is more closely determined by the severity of the consequences that have occurred. The Criminal Code of Republika Srpska prescribes a maximum sentence of eight years in prison for similar ones criminal offenses and the seizure of materials and articles carrying hate messages, as well as the means for their production, is also foreseen. The Brčko District Criminal Code imposes a maximum sentence of ten years imprisonment if the incitement of hatred has led to disorder, violence or other grave consequences for the common life of the constituent peoples and others living in the Brčko District (Raosavljevic, 2015).

Challenges faced towards national policy improvements



The 1995 peace agreement stopped the bloodshed in Bosnia and Herzegovina, but also institutionalized ethnic divisions within the country that were created during the armed conflict. Today, the state is divided into two entities, which operate almost completely independently in political terms, and one central level of government that continually demonstrates weakness and fragility in functioning. These political and social divisions, which extend along ethnic and entity lines, have direct implications for the processes of dealing with the recent past in B&H. On the other hand, the process of dealing with the past remains a key step in establishing a stable and lasting peace in the country (Letic, 2015).

Little or no steps towards reconciliation have been made at the national level. Most reconciliation initiatives come down to individual cases of civil society organizations or international organizations, but in the process, representatives of the international community as well as government officials have failed.

In Bosnia and Herzegovina, there are no unified curricula for learning about the common past, nor a unified version of history in the causes of war, the death toll, or a shared vision that will enable these curricula to be created. One of the main culprits for the lack of common curricula is political parties trying to keep themselves in power, using national rhetoric (Pejanovic, 2017).

Considering that education in Bosnia and Herzegovina is not a “state job” but major decisions in this area are made at the entity and cantonal levels, and the same administrative units are mainly run by mono-ethnic and mono-ethnic political structures, we must unfortunately conclude that schools have long since become new arenas for conflict, employing sophisticated methods to educate young generations about divisions, irrational fear of all that is different, and distrust of neighbours, who differ from them only in the way, if at all, they practice their religion (Letic, 2015).

On the other hand, in order to accelerate the process of reconciliation and reduction of hate speech, the International Criminal Tribunal for the former Yugoslavia (ICTY) has formed to prosecute war crimes committed in wars. In its 24 years of operation, the ICTY has indicted 161 persons and 90 persons have been convicted. One of the most significant judgments of this court is the verdict for the Srebrenica genocide. This court has sat for more than 10,000 days, heard the testimonies of nearly 5,000 witnesses, 90 persons have been convicted of crimes they have committed, including genocide, war crimes, crimes against humanity (Guterres, 2017). However, in 2017, the ICTY closed its doors and stopped processing cases. Further jurisdiction was left to the courts of the former Yugoslavia. Thus, in Bosnia and Herzegovina the jurisdiction to prosecute crimes, with a view to accelerating reconciliation and preventing hate speech, has been conferred on the Court of Bosnia and Herzegovina.

By passing laws and other necessary regulations, the processing of war crimes has been put in place in B&H is also under the jurisdiction of the domestic judicial authorities, i.e. The Court of BiH and the Prosecutor's Office of B&H, with the existing jurisdiction of the cantonal (in the Federation of B&H) and District (in the RS) courts or prosecutors' offices in the Entities and the Basic Court and the Prosecutor's Office of the Brčko District of B&H. Other services and bodies (Police, SIPA, etc.) are also part of the system or network of detection institutions and, each within their respective competencies, are responsible for contributing to the prosecution of war criminals in B&H (CCI, 2018). Many are involved in the processing of war crimes; the number of indictments is decreasing from year to year and even unsatisfactory.

This is also borne out by the fact that the Transitional Justice Strategy has not yet been adopted, although it was drafted in 2012, and that there is no national census on how to comply with international judgments and decisions in this area. Therefore, it is impossible to talk about specific strategies, ways and support provided by the state, which is aimed at educating young people outside formal education.

The CSOs role in these processes

Immediately after the end of the war, several non-governmental organizations were formed to deal with the protection of human rights in their activities, trying to speak openly about war crimes, victims and other consequences of the war (Šehić, 2018). In August 1996, twelve civil society organizations established a Civil Alternative Parliament for joint and stronger influence, which is the first network of non-governmental organizations in Bosnia and Herzegovina (Tuzla, Mostar, Sarajevo), Banja Luka, Livno, Trebinje, Bijeljina, Zenica, Bihac), which aimed primarily at building peace, understanding and trust among the citizens of Bosnia and Herzegovina, opposing at the time the generally accepted view that criminals were only from the other people, while at the same time presenting many of their criminals as heroes of war. It is through the work of these NGOs that critical mass has been created within B&H society (UNDP, 2018).

There is a wide range of actions by non-governmental organizations that can contribute to uncovering the truth about events in B&H. They can testify before the courts, hand over some documentation and other exhibits, assist in the discovery of individual mass graves, identify the exhumed, discover the identity of the perpetrators of crime, forms and modes of crime, all of which are prerequisites for reconciliation (Macic, 2018).

These activities are done by associations that bring together families of war victims, but also by associations of war victims themselves. Their contribution to the processes of reconciliation and the prevention of hate speech is immeasurable, since pointing to facts, true events and testimonies prevents the creation of wrong narratives and misuse of historical facts (Raosavljević, 2015).



Recommendations and possible interventions needed in the field

In order to advance the reconciliation process, it is necessary to involve the international community and the mechanisms that are available more actively, but also to punish individuals who downplay and do not recognize the judgments of the Tribunal for the former Yugoslavia. In addition, more active involvement of civil society organizations and even stronger funding for projects and programs is needed in B&H, which will accelerate mutual acquaintance, understanding and cooperation among peoples living in these areas. Civil society organizations have a great responsibility in connecting communities, getting to know each other, and working to reduce the stereotypes and prejudices that prevail among youth from different religious and national groups.

Regional initiatives that will be launched at national and local levels are of great importance for accelerating the process of reconciliation and reducing the level of hate speech in the public space and on the political scene. Also, another possibility for NGOs to work is the political empowerment of young people in order to take active role in decision-making and lead Bosnia and Herzegovina to radical reforms. However, the most important process is to strengthen the role of the citizen who will finally understand that political subjects, by nationalist rhetoric, only strengthen their influence and remain in power.

Therefore, non-governmental organizations need to be more involved in strengthening the role of citizens and voters in order to allow certain politicians to be sanctioned for their reluctance, ie rewards for their work, effort and commitment. Consequently, in order to accelerate the process of reconciliation and reduction of hate speech, all relevant factors may be involved in the processes of building a democratic society. The fact is that Bosnia and Herzegovina still needs international support to address these issues. For this reason, we need stronger pressure and open sanctions for individuals who disrupt these processes. This shortcoming also represents an opportunity for NGOs to act to accelerate the adoption of the legal framework. Lobbying, advocating and working to adopt various reconciliation initiatives can accelerate these processes.



Tools and resources available

Local level	www.mladivolonteri.org
National level	https://p-crc.org/our-work/ http://www.nansen-dialogue.net/ndcsarajevo/index.php/bs/ https://www.mreza-mira.net/biblioteka/resursno-podrucje-o-izgradnji-mira/ http://www.mpr.gov.ba/web_dokumenti/Vodic%20kroz%20tranzicijsku%20opravdu%20u%20BiH.pdf https://helcommrs.org/
Regional level	https://www.rycowb.org/ http://westernbalkansfund.org/ https://www.developmentaid.org#!/organizations/view/31524/see-change-net-fondacija-mreza-za-promjene-jugoistocne-evrope/partnersCompetitors
European level	www.europa.ba https://www.developmentaid.org#!/organizations/view/31524/see-change-net-fondacija-mreza-za-promjene-jugoistocne-evrope/partnersCompetitors



3. State of Play- reconciliation and no hate speech in Croatia!

AUTHORS: MAJA HORVAT AND PETRA ŠKOKIĆ- CROATIA

Executive Summary

The report presents research on the issues of reconciliation and hate speech regarding youth and youth work. The first part of the report shows a quick overview of the status quo regarding these issues in Croatia. It highlights a presence, even rise, in discriminatory and hateful public speech towards different minority groups and shows a high level of involvement and activity by the civil society organizations, more often than by state institutions or formal educational system. Furthermore, it provides an overview of legal framework on reconciliation and hate speech. The second part of the report presents the collection of examples of good practices of activities with youth or those who work with youth on the topics of reconciliation and hate speech, as well as connected topics such as tolerance, acceptance of diversity and peaceful communication.

Research objective

Acknowledging other policies and types of interventions important for understanding and tackling the issue of reconciliation and hate speech, this research focuses primarily on capacity of youth work and education. First, it presents an **overview on documents and interventions** aiming to promote and/or regulate reconciliation and no hate speech on different levels, thus analysing the current state of affairs in this regard in Croatia. Then, the research presents **initial mapping of tools and resources used and developed by various state and civil society actors** aiming at empowering and educating youth and those who work with youth on combating these issues.

Research methodology

For the purpose of this analysis, the researchers used **desk research methods of literature review and document analysis**, thus analysing legislation and state documents, academic articles, media portals, publications and other written work of relevant (inter)national organizations, etc. Detailed bibliography of consulted literature can be found in the Appendix 1. However, for the purpose of collecting data on tools and resources available, mentioned method was complemented with **an interview with the head of the LDA Sisak Paula Raužan⁶**, as well as with **a questionnaire sent to 21**

⁶The interview was held on 18th February 2020.

organizations⁷ which have experience in implementation of projects and activities with youth regarding these topics. 12 organizations responded to the questionnaire and the information they provided was, when compliant to the topic of the research, included in the table of tools and resources that can be found on page 8.

Literature review

Overview of the most recent international reports showed often **indication of presence, and even rise, of nationalist rhetoric, discrimination and violence towards ethnic (primarily Serbian and Roma), sexual and other minorities, and hate speech in public and media.**⁸ As an independent human rights monitoring body, in its report, European Commission against Racism and Intolerance (ECRI) indicated that nationalism, connected to racist and intolerable hate speech is on the rise, particularly among youth and primarily connected to promotion of fascist Ustasha regime.

Analysis of reports by national actors showed similar results indicating a high level of discriminatory and hate speech towards Serbian, Roma, immigrants and LGBT minorities in public, media and over Internet, as well as a lack of public and legal repercussions towards ethnic intolerance and historical revisionism. The Ombudswoman especially highlights continuing trend on worsening attitude towards Serbian minority by majority of public and some political and public actors.⁹

In Croatia, there is a **significant number of strong and deep-rooted civil society organizations** which work on issues of reconciliation, hate speech and connected topics. However, while there are various projects and programs regarding these topics on local, national and regional levels (such as on education of enforcement and judicial personnel, monitoring of judicial proceedings, overview on media and political speech etc.), the following chapter is a **short overview of interventions** that focus on education, youth and those who work with youth. All interventions (together with tools and resources used) which were found during this research are listed in the Table 1 in the chapter *Tools and resources available for other youth workers and organisations to use*, while the Appendix 3 presents a more detailed description of each table entry.

On the topic of hate speech, as well as discrimination and intolerance, **the state institution of the Ombudswoman's Office held a strong public presence in raising awareness and implementing or supporting interventions directed at youth.** For instance, the Ombudswoman's Office actively organized and participated in round tables and conferences on discrimination and intolerance, called for more intense trainings of enforcement and judicial personnel on hate speech, held lectures on hate speech and hate crime in judicial practice in Croatia to students of Law University in Rijeka, actively supported, and promoted CSO's interventions on the official web page or by attending associated events.¹⁰

One of the institution's significant contribution was **the research conducted in 2019 on hate speech among youth on Internet** that revealed alarming results.¹¹ As research showed, 90% of youth indicated a high level

⁷Detailed

⁸South East Europe Media Organization, "Press Freedom in Croatia: Hate Speech and Hope for Change. Report on the January 2018 Joint International Mission."; ECRI, "Report on Croatia (Fifth Monitoring Cycle)"; Amnesty International, "Amnesty International Report 2017/2018: The State of the World's Human Rights"; Transformation Index BTI, "BTI 2018: Croatia Country Report."

⁹Ombudswoman's Office, "Annual Report of the Ombudswoman of Croatia for 2018"; Human Rights House Zagreb, "Human Rights in Croatia: Overview of 2017"; Đaković and Novosel, *Ljudska prava u Hrvatskoj: Pregled stanja za 2018. godinu [Human Rights in Croatia: Overview Of 2018]*.

¹⁰www.ombudsman.hr

¹¹Tena Šimonović Einwalter, "Predstavljanje istraživanja: Govor mržnje među mladima na internetu [Presentation of research results: Hate speech among youth on internet]," Presentation (The Ombudswoman of the Republic of Croatia, September 12, 2019).

of hate speech present on social media while 70-89% indicated there is a high level of hate speech on internet forums, as well as in political gatherings, media, graffiti or banners in public space. 96% of youth witnessed hateful and intolerant comments in the period of 3 months prior to the research. Hateful comments were mostly based on nationality, ethnicity, sexual orientation, physical appearance, religion or region. These results indicated the Internet was one of domains in which youth was impacted the most and could explain a high number of interventions focusing on educating and empowering youth and their educators to recognize and combat hate speech and discrimination online.

During research, **many interventions regarding youth and hate speech (especially online hate speech) were found.** Regarding interventions by the state bodies, it is important to mention the national campaign / *Dislike Hate* by the Ministry for Demography, Family, Youth and Social Policy that was directed towards youth and included promotional videos and activities regarding online hate speech. One of these activities included a competition for the best educational video made by high school students.¹² Nevertheless, **the civil society organizations unquestionably played the strongest role in creating and implementing interventions on hate speech.** Different organizations held activities on local or national levels which mostly included education and workshops with youth and youth educators, promotion of existing support services, advocating and promoting the importance of the issue and more.

Among collected data, specific **topic of hate speech seemed to be somewhat more present than that of reconciliation.** It seems that there is little to no meaningful interventions by the state bodies that would improve education on these topics towards peace building. Nevertheless, there are **notable interventions by the civil society** educating youth on reconciliation and post-war interethnic tolerance, as well as those training activists and teachers on how to educate on these topics. Undertaken interventions included various activities organizing different models of education of young activists and students, school presentations with a goal to facilitate an open and inclusive discussion, motivating youth to critically think about the dominant national discourse etc.

Researchers **especially welcome interventions on reconciliation which were implemented on a regional level** involving discussion and collaboration between youth and educators of different ethnicity, thus directly facilitating their direct contact. For instance, Youth Initiative for Human Rights (YIHR) implemented a program *The History Continues* with around 100 youth from the region of Western Balkans attending together workshops, study trips, conference and training while discussing and learning together on the common history.¹³

In the end, the research discovered **a significant number of interventions on general topics of non-discrimination, tolerance, democratic participation and other topics** related to those of hate speech and reconciliation. Furthermore, various materials and tools are available for future projects and interventions on this broad set of topics. All other interventions analyzed during the research are listed in the Table 1. Their detailed description and links to materials and outputs (if available) can be found in the Appendix 3.

Legal framework in Croatia

The legal framework around hate speech has a basis in **the Constitution of the Republic of Croatia (article 39)** which states that “any call for or incitement to war or use of violence, to national, racial or religious hatred, or any form of intolerance shall be prohibited and punishable by law.” Furthermore, the issue of hate speech is tackled by the criminal code as well as several misdemeanour laws. **Namely, the Criminal Code of**

¹² <http://www.dislajkammrznu.hr/>

¹³ <http://yibr.hr/hr/zajednicki-narativi-proslost-se-nastavlja/>



the Republic of Croatia (article 325) prohibits a public incitement to violence and hatred on account of a wide range of characteristics¹⁴, as well as public approval of, denial or gross trivialization of crimes of genocide, aggression, war crimes or crimes against humanity with imprisonment up to three years.

Among **misdemeanour acts** applicable to the issue of hate speech it is important to mention:

- **Act on Prevention of Disorder at Sport Events** – prohibiting verbal and other messages that incite hate and violence on basis of race, as well as national, regional or religious affiliation (article 4);
- **Anti-discrimination Act** – placing hate speech among discriminatory behaviour with harassment that aims to violate or violates other's dignity on the basis of a number of characteristics;
- **Electronic Media Act** – prohibiting promotion, as well as spreading of hatred and discrimination based on a specific characteristic (article 12);
- **Gender Equality Act** – prohibiting (incitement to) discrimination based on sex, marital and family status, sexual orientation (article 6);
- **Media Law** – prohibiting media content inciting/glorifying inequality and animosity based on ethnic, racial, religious, gender, sexual orientation or other characteristics (Article 3);
- **Offenses against Public Order and Peace Act** – prohibiting verbal or nonverbal offence against public order and peace (article 5);
- **Public Assembly Act** – prohibiting incitement to war, violence, intolerance or national, racial or religious hatred (article 3).

As mentioned above, various actors highlighted the **importance of further regulation of hate speech on social media and Internet**, especially concerning youth that is a group influenced the most in this domain. Since the beginning of 2019, state actors announced the Act on Preventing Inappropriate Behaviour on Social Media¹⁵ that would prevent illegal content online as well as improve transparency and human rights protection on social media and Internet overall. However, even though the government recognized the need for such a law, it stays unclear in which stage this legislative process currently is.¹⁶

Several sources indicated a **small number of non-appealable judgements on hate speech** as well as **unequal application of law and judicial procedures** among which is the 2015 state attorney office's warning on flawed judicial rulings regarding hate speech.¹⁷ These sources attribute a small number of affirmative judgements to a lack of reporting of hate speech by victims. Furthermore, they indicate a legal confusion since several misdemeanour acts tackle this issue and could be applicable in the same case. At the same time, the most of these misdemeanour acts do not mention hate speech directly and often list different individual's characteristics as a ground of discrimination, thus contributing to legal framework characterized by regular unbalanced and flawed rulings.

The question of reconciliation is not directly touched upon in Croatian legislation. Certainly, the most applicable legislation on this question is the **Law on Witness Protection** and **Act on the Rights of Victims of Sexual Violence during the Military Aggression against Republic of Croatia** due to a high number of unprocessed cases of such violence and uncompensated victims. While the legislature regulates the procedure of retribution in these cases, civil society warns of inadequate prosecution of such crimes due to

¹⁴ Characteristics as mentioned in the Criminal Code Article 325: race, religion, national or ethnic origin, descent, color, gender, gender identity, sexual orientation, disability or any other characteristics.

¹⁵<https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=9137>, http://www.novilist.hr/Vijesti/Hrvatska/Najavljen-Zakon-o-sprjecavanju-govora-mrznje-na-drustvenim-mrezama-Jos-cemo-na-tome-poraditi-ali?meta_refresh=true, <https://rdd.gov.hr/vijesti/odrzan-okrugli-stol-govor-mrznje-u-hrvatskoj-kako-naprijed310>

¹⁶ Roksandić Vidlička and Mamić, "Zlouporaba društvenih mreža u javnom poticanju na nasilje i mržnju i širenju lažnih vijesti: potreba translatiranja njemačkog zakona o jačanju provedbe zakona na društvenim mrežama [Abuse of Social Networks in Public Incitements to Violence and Hatred and in the Spreading of False News: the need for the transposition of the German Act on improving law enforcement on social networks?]."

¹⁷ Georgiev et al., *Govor mrznje i neprihvatljiv govor: vodič za političare/ke [Hate Speech and Unacceptable Speech: a guidebook for politicians]*; Munivrana Vajda and Šurina Marton, "Gdje prestaju granice slobode izražavanja, a počinje govor mržnje? Analiza hrvatskog zakonodavstva i prakse u svjetlu europskih pravnih standarda [Where Does the Right to Freedom of Expression End and Hate Speech Begin? An Analysis of Croatian Legislation and Jurisprudence in the Light of European Legal Standards]."

faulty legal framework, deficient jurisprudence and lack of prosecuted cases, as well as flawed protection of witnesses in the Law on Witness Protection.¹⁸

At the same time, there is a high number of **legislative documents regulating rights and compensations for the Croatian war veterans and commemoration**, most important being:

- The Act on Croatian Homeland War Veterans and their Family Members;
- Law on Declaring the Missing Person Deceased and Proof of Death;
- Law on the Fund for stipends for Croatian Veterans of the Homeland War and Children of Croatian Veterans of the Homeland War;
- Law on the Fund of Croatian Veterans of the Homeland War and Members of Their Families;
- Law on Marking Sites of Mass Graves of the Victims of the Homeland War;
- Law on the Protection of Military and Civilian War Victims.

However, due to the ethnic dimension of the 90s war, it is closely connected to the **issue of protection of national minority rights**. In that regard, the Constitution of the Republic of Croatia (article 15) guarantees one's right to declare its national minority status. However, probably the most relevant act on the issue is the Constitutional Act on the Rights of National Minorities that defines national minority rights in Croatia such as the use of language and symbols, education in their language etc. Additional acts of importance are:

- Law on Use of Languages and Scripts of National Minorities;
- Law on Education in Language and Script of National Minorities – detailing use of three models of education of national minorities members;
- Law on Register of Councils, Coordination of Councils and Representatives of National Minorities.

Furthermore, a large number of documents in Croatian legislation touch upon the question of minority rights, including most of above-mentioned misdemeanour acts touching upon issues of discrimination and hate speech. Representation of national minorities' interests is facilitated through their representation in the national parliament, as well as the State Council for National Minorities and different National Minorities Councils.

Steps towards improvements

When considering government steps directed at youth and educators with a focus on improving the process of reconciliation and hate speech, **the crucial question is one of systematic education which would promote democratic culture and critical thinking, as well as objectively introduce youth to these topics**. Unfortunately, despite heated public debate and numerous political promises, **Croatian education still does not offer systematic civic education**. One of the main reasons for this seems to be a lack of political will which is apparent in the latest decision by the Ministry of Science and Education. The Ministry decided to redirect 27 million HRK funds from the European Social Fund intended exclusively for civic education to 6 other education subjects.¹⁹

While there exists a program with an aim to provide civic education through sporadic presence of its topics during different school subjects, it is clear **a more systematic approach is needed to achieve real impact**.²⁰ Similar opinion can be found in the European Commission against Racism and Intolerance's 2018 report on

¹⁸ Youth Initiative for Human Rights, "Transitional Justice. Human Rights Brief: Issues in Criminal Prosecutions of War Crimes. Croatia 2016."

¹⁹ <https://www.telegram.hr/politika-kriminal/zbilja-koji-to-problem-ministarstvo-ima-s-gradanskim-odgojem-eu-im-daje-27-milijuna-da-ga-razviju-oni-bi-ih-preusmjerili/>

²⁰ Gong, "Gradansko obrazovanje u Hrvatskoj: policy preporuke [Civic Education in Croatia: policy recommendations]."

Croatia that shows a need to include young generations in education that promotes the idea of human rights, as well as indicates how current system needs to improve its focus and methods, thus recommending compulsory education on human rights in all educational plans and programs, especially concerning equality and non-discrimination.²¹

However, **counties and cities have a legal right to develop their own compulsory civic education.** In this light, the City of Rijeka represents a positive example after providing such education through extracurricular activities and systematically introducing these topics into the formal education of its primary school students since 2016.²² One of other examples is the City of Sisak which introduced civic education as an extracurricular activity in primary schools and provided an associated training to school teachers since 2018.²³ The City of Osijek established a different model through a close cooperation with local civil society organizations who participate in the project *Osijek to GOO* and provide organized nonformal civic education in local primary schools and training of teachers.²⁴

There is **currently no National Youth Program by the Ministry of Demographics, Family, Youth and Social Policy** since the expiration of the program for the period between 2014 and 2017. The Ministry is in the process of publishing the new program for the period between 2020 and 2024.²⁵

On the other hand, while there is *the National Plan Against Discrimination* for period between 2017 and 2022 that prioritizes education and tolerance²⁶ (together with the associated *Action Plan* for its implementation), it fails to “reflect and adequately address human rights violations faced by Serbs, Roma and sexual minorities”²⁷ in Croatia, thus avoiding to sufficiently and systematically deal with one of the most problematic discrimination areas in the country.

Organisations role into these processes

Gathered information indicated that LDA Sisak has significant experience and influence in local processes and activities connected to the topics of reconciliation and combating hate speech. The organization undertook and implemented numerous activities and used various methods in their long term engagement on encouraging and empowering youth and those who work with youth in areas of active participation in their local communities, and other democratic values such as tolerance, diversity and inclusion. ALD Sisak has significant experience in use of various methods including but not limited to advocacy, volunteering activities, training of trainers and educators, and conducting educational presentations, meetings and workshops. The organization has a long history of work in provision of non-formal education in primary and secondary schools, especially on topics of minorities and diversity. These activities include both students and their teachers.

During their work, LDA Sisak continuously showed openness for collaboration with various actors, thus developing a deep-rooted network with state and non-state organizations and institutions on local and national level. This includes regular cooperation and work with fellow CSOs focusing on similar topics, as well as state administrative offices of Sisak and neighbouring cities thus sharing their expertise, experience and

²¹ ECRI, “Report on Croatia (Fifth Monitoring Cycle).”

²² <https://www.rijeka.hr/teme-za-gradane/odgoj-i-obrazovanje/osnovne-skole/programi-i-projekti-u-osnovnim-skolama/gradanski-odgoj-obrazovanje/>


²³ <https://sisak.hr/gradanski-odgoj-i-obrazovanje-u-svim-sisackim-osnovnim-skolama/>

²⁴ <https://www.osijek.hr/osijek-to-goo/>

²⁵ <https://mdomsp.gov.hr/jistaknute-teme/mladi-i-volonterstvo/mladi-9015/nacionalni-program-za-mlade-9024/9024>

²⁶ Office for Human Rights and National Minorities Rights, “Nacionalni plan za borbu protiv diskriminacije za razdoblje od 2017. do 2022. godine [National Plan Against Discrimination for period between 2017 and 2022].”

²⁷ Amnesty International, “Amnesty International Report 2017/2018: The State of the World’s Human Rights.”



developed resources publicly and with the wider community. They serve as one of the regional mediators and focal points for bringing these actors and youth together.

One of especially important contributions is a formation of a lifelong education model for active civic participation for youth and its implementation Sisak, Lekenik and Martinska Ves which included leadership training and capacity building, development of competences, empowerment, raising awareness on local needs, opportunities and activities all related to youth.

Recommendations and possible interventions needed in the field.

- 1) As shown in the previous chapters, international and Croatian organizations understand the importance of civic education as a way to combat social issues connected to reconciliation and hate speech. Therefore, it is crucial to **continuously advocate for systematic and formal civic education in all Croatian primary schools and high schools**. However, until this political decision is made, it is necessary to **encourage and support local communities to develop and implement their own civic education programs**.
- 2) **Adapt interventions and methods to specific community it is implemented in**. This includes responding to specific local needs, taking into consideration useful and available resources and actors that can contribute to the intervention, as well as being aware of obligations youth might have at certain time periods (especially in rural areas). Interventions adapted to specific communities have higher potential to inspire participation, respond to actual needs, and bolster cooperation between higher number of local state and non-state actors thus contributing to their future collaboration.
- 3) **Establishing a tight network with other CSOs and state institutions that tackle these issues** significantly contributes to development of social capital, trust, and knowledge and expertise exchange among different actors thus significantly increasing public visibility and impact of such interventions. This includes organization of conferences, platforms and common resource pools to be commonly used by various actors. Therefore, the mapping of good practices, tools and methods available in this report presents a perfect example of such resource and should be actively shared with all relevant actors, as well as made publicly available.
- 4) Similarly, **development of tight network and collaboration between municipalities and cities in surrounding areas** can further contribute to the scale of the intervention and capacities of local communities. Similar was recognized by Horvat and Kalamuljić highlighting how creating such networks and “pooling common potentials and local communities’ resources inevitably strengthens their capacities for finding adequate solutions to respond to real social challenges and needs.”²⁸
- 5) As seen throughout the report, social networks and internet domain have a direct and extensive influence on youth in Croatia where youth spends a large amount of its time and regularly confronts discriminatory content. Therefore, **more interventions are currently needed in the area of combating and learning how to deal with discrimination online**. At the same time, **internet and social media present a promising tool for youth education and mobilization**.

²⁸ Horvat and Kalamuljić, “Examples of Good Practices in Combating Discrimination at the Local Level.”



- 6) Regarding formulation and implementation of interventions, youth should be included in the processes such as formulation of strategically documents and intervention objectives, development of tools and methods to be used, implementation of activities and so on. **Youth participation in different aspects of the intervention** not only contributes to the social relevance and effectiveness of the intervention itself, but directly contributes to usual goals of these interventions including development of various skills and competences, empowerment, inclusion, participation or sense of ownership over an intervention.
- 7) Consulted examples of tools and resources showed how most successful interventions based on work with youth encompassed **modern, creative and innovative tools and methods that directly included active interaction and participation of participants and contributed to development of practical skills and competences.**

Tools and resources available

The following table lists identified tools and resources available to youth workers and organizations from the past decade in Croatia. While this table simply lists projects during which such tools and resources were created and implemented, the table in the Appendix 3 shows a more detailed description of each project and associated tool/resource.

Local level	<p>Izgradnja mira: razgovori s mladima u Hrvatskoj o temama rata u 1990-ima, pomirenja i tranzicijske pravde [Building Peace: conversations with youth in Croatia in topics of 1990 war, reconciliation and transitional justice] – Polka Karlovac, Documenta – 2019 - https://aktivirajkarlovac.net/2019/05/odrzana-prva-radionica-u-sklopu-projekta-izgradnja-mira/</p> <p>Enhancing youth capacities for promotion of human rights – Youth Initiative for Human Rights 2016 - http://yibr.hr/en/enhancing-youth-capacities-for-promotion-of-human-rights/</p> <p>Upoznaj i prihvati [Meet and Accept] – Red Cross Sisak – 2016 - http://crveni-kriz-sisak.com/projekt-upoznaj-i-prihvati/</p> <p>Extracurricular civic education in primary schools in Rijeka – the City of Rijeka - 2016 - https://www.rijeka.hr/teme-za-gradane/odgoj-i-obrazovanje/osnovne-skole/programi-i-projekti-u-osnovnim-skolama/gradanski-odgoj-obrazovanje/</p> <p>Osijek to GOO – the City of Osijek, Breza, Dokkica, Nansen Dialogue Centre and Volunteering Centre Osijek - 2018 - https://www.osijek.hr/osijek-to-goo/</p> <p>Extracurricular civic education in primary schools in Sisak – the City of Sisak – 2018 - https://sisak.hr/gradanski-odgoj-i-obrazovanje-u-svim-sisackim-osnovnim-skolama/</p>
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Lokalni info-centar za mlade grada Zaprešića [Local Info-Point for Zaprešić Youth] – Zaprešić Youth Centre and Secondary School Ban Josip Jelačić Zaprešić – 2017 - http://www.czmz.hr/novi_czmz/blog/lokalni-info-centar-za-mlade-grada-zapresica/

Aktivni mladi za lokalni razvoj [Active Youth for Local Development] – Local Democracy Agency Sisak, the City of Sisak, the Municipality of Lekenik, the Municipality of Martinska Ves, and Radio Sisak 2017 - <https://sisak.hr/aktivni-mladi-za-lokalni-razvoj/>

Drama u učionici! [Drama in the classroom!] – Rehabilitation Centre for Stress and Trauma Zagreb, Theatre Barakuda 2012, Secondary School Ivan Trnski in Hrvatska Kostajnica, Primary School Dvor – 2015 - <http://rctzg.hr/-/en/da-te-volim-ako-nebo-da/>, <http://rctzg.hr/-/en/i-ljubav-boli-zar-ne/>

Ne mržnji! [No to Hate!] - Youth Network Croatia, Organization for promoting Humanity and Urban Culture, The Ministry of Demographics, Family, Youth and Social Policy of the Republic of Croatia – 2014 - <https://mdomsp.gov.hr/vijesti-8/edukacija-mreze-mladih-hrvatske-u-sklopu-projekta-ne-mrznji/1434>

Nema zdravlja bez mentalnog zdravlja [There is No Health without Mental Health] – Zaprešić Youth Centre and Secondary School Ban Josip Jelačić Zaprešić – 2019 - <https://www.facebook.com/centarzamladez/>

AktivUNA! Djelovanjem mladih za bolju kvalitetu života u Pounju [ActivUNA! Youth Work for Higher Life Quality in Pounj] – Rehabilitation Centre for Stress and Trauma, LAG Una, the City of Hrvatska Kostajnica – 2019 - <https://rctzg.hr/-/en/volonterske-akcije-mladih-u-drustvenom-centru-kostajnica/>

Kad se mlade ruke slože [When Young Hands Join Together] – the City of Samobor (an example of local youth program) - 2019 - <https://www.samobor.hr/grad/kad-se-mlade-ruke-sloze-c390>

National level

Dosta je mržnje! [Enough with the hatred!] – Gong, Human Rights House Zagreb, Association for Independent Media Culture 2015 - <https://www.gong.hr/en/about-gong/what-does-gong-do/enough-with-the-hatred/>

Dislajkam mržnju – Ne govoru mržnje na internetu [I Dislike Hate – No to Hate Speech on the Internet] – Ministry for Demography, Family, Youth and Social Policy 2013 - <http://www.dislajkamrznju.hr/>

Trening za trenere u području ljudskih prava [Training for Trainers in the Area of Human Rights] – Human Rights House Zagreb – 2017 - <https://www.kucaljudskihprava.hr/2017/08/30/trening-za-trenere-u-podrucju-edukacije-o-ljudskim-pravima-poziv-na-prijave-za-edukaciju/>

Online brochure for children and youth on violence on internet and cyberbullying – Center Luka Ritz - 2010 - <https://mdomsp.gov.hr/userdocsimages/arhiva/files/75819/Nasilje%20preko%20interneta.pdf>

Drugi [Others] – Croatian Radiotelevision - 2017 - <https://projektdrugi.hrt.hr/>

TV show Školski sat – Građanski odgoj [TV show School Hour – Civic Education] - Croatian Radiotelevision - <https://skolski.hrt.hr/serijali/23/skolski-sat-gradanski-odgoj>

Dan sigurnijeg interneta [Safer Internet Day] – Center for Safer Internet Osijek – 2020 - <https://www.dansigurnijeginterneta.org/index.php/informacije/>

Društveni putokazi: SMJER – Internet ljudskih prava [Social Signposts: DIRECTION – Human Rights Internet] – Youth Network Croatia, Fade-In, CEZAM, Home for the Care of Children and Youth, AKC Attack – 2015 - https://www.youtube.com/watch?v=NypYUzK_7cg



	<p>Against Hate - Centre for Peace Studies, Human Rights House Zagreb, Gong and Victim Support Finland – 2018 - https://www.kucaljudskihprava.hr/en/2018/05/14/project-against-hate/</p> <p>Hrabri čuvari [Brave Guardians] – Brave Phone - 2014 - https://udruga.hrabiteltelefon.hr/hrabri-cuvari/</p> <p>Uklonimo govor mržnje [Remove hate speech] – Volunteering Center Zagreb – 2010 - https://vcz.hr/lokalno-volontiranje/izdvojeni-projekti/uklonimo-govor-mrznje/</p>
Regional level	<p>Prošlost se nastavlja [The History Continues] – Youth Initiative for Human Rights - 2015 - http://yihhr.hr/hr/zajednicki-narativi-proslost-se-nastavlja/</p> <p>Regional Youth Exchange Association – Youth Initiatives for Human Rights Croatia, Serbia, Kosovo, Montenegro and Bosnia and Herzegovina – 2014 - http://yihhr.hr/en/regional-youth-exchange-association/</p> <p>Mladi u zajednici bez barijera [Youth in Communities without Boundaries] – Agency for Mobility and EU program, the City of Opatija, the City of Crikvenica, the Municipality of Ajdovščina and the Municipality of Kidričevo – 2013 - http://www.opatija.hr/hr/vijesti/novosti/predstavljen-projekt-%E2%80%9Emladi-u-zajednici-bez-barijera%E2%80%9C,985.html</p> <p>CeZaM Centri za mlade u zajednici [CeZaM Community Youth Centers] - Rehabilitation Center for Stress and Trauma Zagreb and Hi Neighbour (Bosnia and Herzegovina) – 2016 - http://rctzg.hr/-/en/centi-za-mlade-u-zajednici-cezam/</p> <p>Project Europe Equals Equality – Youth Initiative for Human Rights - 2014 - http://yihhr.hr/hr/europe-equals-equality/</p>
European level	<p>Venues of victims//Venues of perpetrators. Mapping, decoding & processing the role of historical-civic education in (European) youth work – Documenta together with partners from 11 other European countries – 2018 - https://www.documenta.hr/en/venues-of-victims-venues-of-perpetrators.html</p> <p>Pokreni promjenu: prihvaćanje različitosti kroz interkulturalno obrazovanje i volontiranje [Start the Change: accepting diversity through intercultural education and volunteering] - Forum for Freedom in Education 2017/2018 - https://startthechange.net/project/</p> <p>#YouthAgainstCyberbullying – Forum for International Cooperation Denmark and SOLIDARNA foundation for human rights and solidarity – 2020 - https://www.solidarna.hr/site/article/poziv-na-sudjelovanje-u-erasmus-projektu-youthagainstcyberbullying/hr-HR</p>

APPENDIX 1: A list of consulted resources

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- . "Law on Use of Languages and Scripts of National Minorities"
- Official Gazette 59/04, 84/11, 81/13. "Media Law"
- Official Gazette 79/06, 99/18. "Law on the Fund for Stipends for Croatian Veterans of the Homeland War and Children of Croatian Veterans of the Homeland War"
- Official Gazette 80/11, 34/12, 98/19. "Law on Register of Councils, Coordination of Councils and Representatives of National Minorities"
- Official Gazette 82/08, 69/17. "Gender Equality Act"
- Official Gazette 85/08, 112/12. "Anti-Discrimination Act"
- Official Gazette 99/18. "Law on the Fund for Croatian Veterans of the Homeland War and Members of Their Families"
- Official Gazette 100/96, 174/04. "Law on Marking Sites of Mass Graves of the Victims of the Homeland War"
- Official Gazette 117/03, 71/06, 43/09, 34/11. "Act on Prevention of Disorder at Sport Event,"
- Official Gazette 121/17, 98/19. "Act on Croatian Homeland War Veterans and Their Family Members"
- Official Gazette 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19. "Criminal Code"
- Official Gazette 128/99, 90/05, 139/05, 150/05, 82/11, 78/12. "Public Assembly Act"
- Official Gazette 153/09, 84/11, 94/13, 136/13. "Electronic Media Act"
- Official Gazette 155/02, 47/10, 80/10, 93/11, 93/11. "Constitutional Act on the Rights of National Minorities"

Official Gazette 163/03, 18/11, 73/17. "Law on Witness Protection"
 Official Gazette Nos 56/90, 135/97, 113/00, 28/01, 76/10 and 5/14. "Constitution of the Republic of Croatia"

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<https://www.medijiskapismenost.hr/sloboda-izrazavanja-i-govor-mrznje-gdje-je-granica/>
https://www.kucaljudskihprava.hr/2019/12/20/sloboda-izrazavanja-i-govor-mrznje-u-digitalnom-okruzenju/#_ftn3
<https://esavjetovanja.gov.hr/ECon/MainScreen?entityId=9137>
http://www.novolist.hr/Vijesti/Hrvatska/Najavljen-Zakon-o-sprjecavanju-govora-mrznje-na-drustvenim-mrezama-Jos-cemo-na-tome-poraditi-ali?meta_refresh=true
<https://rdd.gov.hr/vijesti/odrzan-okrugli-stol-govor-mrznje-u-hrvatskoj-kako-naprijed/310>
https://www.kucaljudskihprava.hr/wp-content/uploads/2019/01/KLJP_HumanRightsDefendersInCroatia_edit1801.pdf
<https://www.kucaljudskihprava.hr/wp-content/uploads/2019/03/Ljudska-prava-u-Hrvatskoj-2018.pdf>
https://www.kucaljudskihprava.hr/wp-content/uploads/2018/04/KLJP_PregledStanja_ENGWeb.pdf
<https://www.kucaljudskihprava.hr/2019/07/30/dostajemrznje-org-alat-za-prijavljanje-govora-mrznje/>
<https://www.kucaljudskihprava.hr/wp-content/uploads/2018/06/godis%cc%8cnji-izvjes%cc%8ctaj-2017.pdf>
<https://www.rijeka.hr teme-za-gradane/odgoj-i-obrazovanje/osnovne-skole/programi-i-projekti-u-osnovnim-skolama/gradanski-odgoj-obrazovanje/>
<https://sisak.hr/gradanski-odgoj-i-obrazovanje-u-svim-sisackim-osnovnim-skolama/>
<https://www.osijek.hr/osijek-to-goo/>
<http://yibr.hr/en/enhancing-youth-capacities-for-promotion-of-human-rights/>
<https://www.dansigurnijeginterneta.org/index.php/informacije/>
<https://csi.hr/p/recinama>
<http://www.dislajkamrnju.hr/>
<https://www.icty.org/en/outreach/youth-outreach>
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4. State of Play –reconciliation and no hate speech in North Macedonia

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Executive Summary

Many reports and studies about the Macedonian model of multiculturalism are indicating that although it promotes positive ideas for integration, it is still not functional enough. Discrimination on ethnic basis is evident, perceptions about members of other ethnic groups are slowly changing in positive direction, formal educational system is not supporting enough integration among dominant ethnic communities. Physical attacks among minors from different ethnic origin are more frequent during the pre-election periods or in times of political crises, and most often that is a happening in the backyards of the schools and in the public transport in Skopje where students are traveling to their high schools. These incidents most often take place between children of Macedonian and Albanian ethnic origin, while the other communities are very rarely involved in such incidents.

The regular **Progress Reports on North Macedonia by European Commission** are pointing the facts about continuing separation along ethnic lines in education. The latest report (May 2019) notes that the quality of education is a concern at all levels and the system remains vulnerable to political influence and corruption. "There has not been any reduction in the number of schools where students are separated and barriers to integration remain significant"²⁹. Also, in the same report, another problem related with education of vulnerable groups is emphasized. According to their estimates, "10% of children from Roma communities do not regularly attend primary school and their dropout rates remain high". Furthermore, "children and students with disabilities and those from Roma communities continue to face barriers to regular and quality education and training".

The latest **Annual Report of Ombudsman** concludes that except in education, there is no significant improvement in the situation of Roma in the areas of health, housing and employment.³⁰ This was confirmed by the Ombudsman's research on the topic "Roma inclusion after the end of the Roma Decade 2005-2015 – the current situation and challenges". One of the most reliable sources of information about the cases of discrimination³¹ in the country are the regular reports from Macedonian **Helsinki Committee for Human Rights** that are available on their web site mhc.org.mk. They cover cases of hate incidents, including those

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>

³⁰ Republic of North Macedonia, Ombudsman, Annual Report on the Degree of Provision, Respect, Advancement and Protection of Human Rights and Freedoms, 2018, Skopje, March 2019

³¹ Law on Prevention and Protection against Discrimination was adopted in 2010 as first legal regulation in the country to ensure protection against discrimination, and came into force on 1 January 2011



committed due to ethnic background and due to political affiliation. This organization is very recognizable in public with their evidence based advocacy toward state institutions to enhance preventative measures, by reflecting remembrance in human rights education, history curricula and relevant training, taking steps to educate the public, especially minors and young people on the values of cultural diversity and inclusion, and aiming for all sectors of society to have a role in combating such intolerance.

Helsinki Committee for Human Rights is managing the platform www.govornaomraza.mk where people can make reports of hate speech on the social networks/media. Some 40 reports on the average per month are registered, and many of them are related to hate speech due to ethnic background, as well as to sexual orientation or gender identity. They publish, in cooperation with Organization for Security and Co-Operation in Europe (OSCE), the **Annual Report on Hate Crime**, based on monitoring the national printed and electronic media with different ideological leanings and political affiliation, provide free legal aid to victims of hate crimes and monitoring the trials of selected cases of hate crimes on different protected characteristics. Ethnicity (79 incidents) and political affiliation (31 incidents) constituted the main grounds on which hate crimes committed in 2018 were based. The trend of committing this kind of hate crime was particularly striking before and during the elections or some significant political happening in the country.

Another important source of data and analysis about the state of reconciliation and about the results of the efforts to overcome the ethnic and religious stereotypes is the **Mission of OSCE in Skopje** and their publications can be found on their web site www.osce.org.mk. In all their surveys political affiliation is the most frequent ground of discrimination, both in situations when respondents have experienced discrimination and when they have witnessed discrimination. The second most frequent ground for personally experienced discrimination is ethnicity. According to the public perception, three factors are predominant in leading to unequal treatment in employment: political affiliation, age of candidates and their ethnicity. One of their surveys is "Barometer of Equal Opportunities", which was conducted in 2009, 2013 and 2018 by Brima Gallup International. A comparative analysis of the results of the three surveys provides an insight into the direction and intensity of changes of perceptions, attitudes, knowledge and awareness of discrimination and inequality in the country in the period from 2009 to 2018. According to the latest survey, most of the respondents who say that they would seek protection if they were victims of discrimination would turn to the police, which is considered as a relevant institution, competent for protection against discrimination, and in smaller numbers they would turn to courts, the Commission for Protection against Discrimination, the Ombudsman Institution, lawyers and civil society organizations. The structure of these answers points to the conclusion that a large part of citizens do not recognize the relevant antidiscrimination institutions.³²

According to the latest "**Youth Study of North Macedonia 2018/2019**", in the past the dominant ground for inequality was the social and racial belonging, based on which political mobilization was conducted, but nowadays it manifests via the cultural belonging, if we are to include in this notion the racial, ethnic, religious and language social groups.³³

The study further notes that the most frequent ground of discrimination is the political belief (12,9%), and ethnic origin (9%), while the sexual orientation and language used by youth is the least cause for discrimination.

³² Barometer of Equal Opportunities, <https://www.osce.org/mission-to-skopje/439679>

³³ Youth Study North Macedonia 2018/2019, Topuzovska, Laktovich M., Borota Popovska, M., Serafimovska, E. Cekich, A. Starova, N. (2019), Friedrich Ebert Foundation - Skopje, <http://library.fes.de/pdf-files/id-moe/15266.pdf>

Within these phenomena of discrimination, there is another form which is becoming more rampant and is present precisely among young people. It is the intolerance on social networks, which arises from the intolerance between the majority and other minorities leading to the creation of public space where any difference that deviates from the generally accepted norms is discriminated against.

Civil society initiatives

There are many examples of civil society in North Macedonia that are making initiatives for peaceful resolutions of ethnic crises and are implementing projects with the aim of reconciliation between ethnic communities who were involved in the conflict in 2001. In fact, many important peaceful initiatives from the period of greatest inter-ethnic hostilities at the end of 1990s and beginning of 2000s developed in becoming associations of citizens and successful civil society organizations that are still advocating for peace, tolerance, democracy, justice and integration at local, national and regional level. Macedonian civil society, which at the beginning of the state independence in 1990s was also divided on ethnic basis, was actually one of the leaders of the interethnic cooperation in last two decades³⁴.

Most of the renowned civic organizations and networks that are now leading the most significant processes of engaging in monitoring, advocating and initiating the democratic practices are multiethnic. It is almost taken for granted that civil society actor, if it wants to be seriously considered as relevant for any kind of active engagement in society, should have members from at least two largest ethnic communities in the state. And there are many cases where most representative members of some organization or coalitions are coming from three or more different ethnic communities.

The civil society has a crucial role in monitoring, protection and promotion of new solutions in the fight against discrimination, advocacy for social justice, combating ethnocentrism and segregation in education, promoting the positive/affirmative action of the state as an indispensable element in combating the consequences of previous continuous discrimination.³⁵

Having in mind that text books and other education materials in the primary and secondary public schools on Macedonian and Albanian language contribute toward developing ethnic nationalism, many civic organizations and non-formal educational initiatives try to engage students from different ethnic background in training events with more interaction among participants. They insist on participants to hear and learn about the stories of the other community and initiate discussions and working inclusively in smaller groups. **Peace Action** <http://mirovnaakcija.org/> was formed in 2001 by many informal groups of pacifists and antimilitarists. They promote peace and culture of non-violence. Their regional program on antidiscrimination is focused on work with youth for recognition and reaction on different types of discrimination, and they cooperate with youth organizations from Serbia, Bosnia, Kosovo, Croatia and Macedonia. Another program is "Dealing with the past", which started from 2008, focused on collecting stories from life during the war in 2001. They publish books, journals and collect many materials related with

³⁴ Multicultural connections in the Civil Sector in the Republic of Macedonia, Liljana Popovska, Publisher: Macedonian Center for International Cooperation, 2017

³⁵ Manual on the Elimination of Ethnicity-Based Discrimination, Mirjana Najcevska, Sasko Todorovski, Publisher: Foundation Open Society Institute – Macedonia, 2009, <https://fosm.mk/wp-content/uploads/publications/priracnik-eliminiranje-na-diskriminacija-angliski.pdf>

this war, and organize trainings for peace building with participants who were victims or direct participants in the war activities, from both sides. Some of their books are collected stories from women, from displaced persons/refugees and from minorities.

Nansen Dialogue Center Skopje (<https://ndc.org.mk/>) is non-governmental dedicated to reducing the ethnic based segregation in schools and promotion of interculturalism in the educational system. NDC Skopje is profiled as an intercultural resource centre, which continuously creates and develops innovative intercultural upbringing and education strategies, approaches and resources, supporting teachers, students and parents in creating new and successful intercultural school practices.

In 2017 they prepared first ever children's illustrated Macedonian-Albanian/Albanian-Macedonian dictionary for primary schools as an important tool for policies aimed at overcoming segregation in schools and in wider society as a whole. The dictionary is also available for free online³⁶ and as an app for android and iOS devices. These versions are enriched with audio recordings of pronunciations.

Currently, NDC Skopje is implementing its Nansen model for intercultural education in 10 primary and secondary schools in 8 municipalities. Another 11 schools have implemented this model previously. This model enables successful integration of students, parents and teachers from different ethnic communities through a modern upbringing and educational process.

Macedonian Civic Education Center (<https://www.mcgo.org.mk/>) was founded in 2004 with a mission to develop educational programs and provide services to educational and other public institutions, local communities, the non-governmental sector, the business sector and citizens, in order to contribute to the continuous development of the civil society. They implemented many projects directly related with integrated education, cooperating with national and local government institutions with competences in educations. Their project for interethnic integration in education secured a long term support from USAID.

Forum ZDF (Forum Ziviler Friedensdienst - Macedonia Program) is one of the organizations that are visible in the public sphere thanks to their efforts to connect people with different ethnic background and to support the development of new narratives and discourses in Balkan societies. They are organizing workshops for high school students dedicated to the youth peace activism, trainings for teachers of history and sociology. The importance of these and many other civic initiatives for engaging students in interethnic activities in the non-formal education process is extraordinary. However, there is a risk that if such activities are targeting only most active students and leave the other students, who possibly hold the negative stereotypes toward other communities, to not participate in these trainings.

Good examples from media

In 2014 Macedonian Parliament adopted law articles that forbid spreading and promoting hate speech, discrimination content via internet. These articles didn't improved significantly the situation with the hate rhetoric and discriminatory content at Macedonian online media, and many calls to violence and hate toward some communities have been registered. According to the Article 319 from the Criminal Code, the sentence for imprisonment of one to five years shall be the punishment for causing hatred, discord or intolerance on

grounds of gender, race, color of the skin, membership in marginalized group, ethnic membership, language, nationality, social background, religious belief etc.

Radio MOF is one of the few online media (also broadcasting platform) that is promoting responsibility regarding the published content online and is making efforts to promote media literacy and help the citizens to recognize the hate speech. Under their hashtag #Dehejtizacija (“Dehatesation”) they published around 40 stories³⁷ related with analyzing forms of hate speech or unethical reporting in traditional and social media. Another valuable source of information and analysis related with hate speech in N. Macedonia is the academic blog **ResPublica**, founded by the Institute for Communication Studies in Skopje. This platform is a professional network of academic community, professors, analysts, researchers, journalists, civic activists, students etc., which analyses many topic of public interest and regularly publishes opinions related with media literacy, civic values, rule of law, fight against propaganda and fake news, hate speech, discrimination etc.³⁸ In the framework of this platform there are many manuals, studies and policy documents related with media literacy, freedom of speech, media situation in the country, fake news, and one of them is the document “Freedom of Speech Versus Hate Speech in Media in Macedonia”³⁹, published in 2018, with review on European and Macedonian legislation regarding this topic, case studies and recommendations for effective and systematic handling with the hate speech.

Output from the government

As a result of abovementioned and many other civil initiatives, in recent times some positive changes were initiated on national governing level to return the topic of reconciliation on the agenda to reverse separation trends and initiate new spirit in the integrative policies. There was a significant progress on national level regarding the investment in the future of interethnic relations in last three years, and one of the documents that reflects that development is the creation of one important document.

The **National Strategy for development of the “One Society For All” Concept and Interculturalism** is a document created by the Government of North Macedonia in 2019 as a response on the division of the society on many levels, and with the aim to initiate activities and strengthen the processes of communication and cooperation between communities, with the aim of developing a society where every person shall feel as a member of “one society”. The main objective of the strategy is to depart from a divided society and arrive at a society which is fair and just and which makes citizens more equal and equitable.

The strategy was created with substantial participation of civic organizations in whole process of preparation of the document through working groups and public consultations. It aims to further develop intercultural communication in the Republic of North Macedonia between its diverse cultures and communities, and to apply it as a tool for implementing the recommendations of the international bodies of the United Nations, the Council of Europe, the European Commission and of the Organisation for Security and Cooperation in Europe.

The strategy notes that although multicultural legal framework was guaranteed with the Ohrid Agreement and the Constitutional changes in 2001, with the aim to facilitate the multiethnic character of the society, that was not enough for securing the social cohesion or integration in the society.⁴⁰

This concept of One Society includes:

- Recognition of all diversities,
- Guaranteeing and ensuring the equality, social justice, fairness, equal opportunities, inclusion and participation of citizens in the decision making ,
- Achievement of social cohesion.

Also, there is another example of adopting strategic document related with the efforts for reconciliation by the public institutions. **The Strategy for Inter-ethnic Integration in the Education and Civic Participation of the City of Skopje** (2019-2024) has a goal to create "one" school for all students, regardless of their ethnic identity, and initiating and development of civic participation of the students in high schools from the City of Skopje⁴¹. Some of the activities planned in this strategy are support for joint classes for high schools students with different learning language and support for joint out of the school activities (multicultural workshops, art performances, excursions, civic initiatives and actions etc.).

The **National Youth Strategy** (2016-2025)⁴² lays down the main principles and directions for action of all stakeholders in the society which can help to improve the social and economic position of youth and create environment that would enable young people exercise their rights, needs and interest. One of the key values and determinations grounded in the strategy is multiculturalism, although compared with the previous strategy (2005-2015) it is far less focused on the cultural integration of youth. For example, one of the planned target interventions in the National Youth Strategy 2005-2015 was social integration of youth through and during the process of education, with the objectives to build active, democratically oriented and responsible citizens; to promote ethics of peace, tolerance and coexistence among youth, elimination of the segregation of young people from different socio-cultural background in the schools⁴³. Proposed strategies for this intervention were:

1. Introducing continuous and standardized civil education for young people, from elementary to the end of the secondary education, identical for high schools and vocation schools, with a special emphasis on civil rights, freedoms and responsibilities.
2. Opening schools to civil programs offered by CSOs;
3. Introducing programs for inter-cultural education of school and university students, to include:
 - introduction of integrative extra-curricular activities in ethnically mixed schools;
 - inter-school exchanges of students and reciprocal visits as part of schools extracurricular activities, with a special emphasis on inter-ethnic cooperation, expansion to rural communities and gender equality of participants;
 - inter-school sports activities and contests at inter-municipality and national level, with a special emphasis on inter-ethnic cooperation, expansion to rural communities and participants' gender equality.

⁴⁰ Strategy for the development of Concept for One Society and Interculturalism, Government of the Republic of North Macedonia, 2019, https://vlada.mk/sites/default/files/dokumenti/strategii/strategija_ednoopshtestvo_29.10.2019.pdf

⁴¹ Strategy for Inter-ethnic Integration in the Education and Civic Participation of the City of Skopje 2019-2024,

⁴² National Youth Strategy 2016-2025,

http://www.ams.gov.mk/images/dokumenti/mladi/National_Youth_Strategy_2016-2025_eng.pdf

⁴³ National Youth Strategy 2005-2015, <http://www.ams.gov.mk/images/dokumenti/mladi/nacionalna-strategija-za-mladi.pdf>

The current national strategy (2016-2025) did not propose some specific measures related with multicultural values or inter-ethnic cooperation, and it rather treats those issues as less important than the question of sexual education in the process of formal and non-formal education.⁴⁴ Other important official documents regarding the youth policies are few **municipal strategies for youth**. Currently, only Kicevo (2017-2022), Strumica (2015-2020)⁴⁵, Centar (2015-2020)⁴⁶ and Struga (2015-2020)⁴⁷ have the strategies, and City of Skopje (2014-2018), Tetovo (2011-2015), Bitola (2014-2019), had such strategies, but have not made new after their previous expired.

Youth strategies of Strumica, Centar and Struga are made simultaneously by the same consultants and are similar in structure. All of them are noting that multiculturalism (defined as respect of differences in all fields, tolerance, intercultural dialogue among young people) is one of their guiding principles and values. And only Struga, having in mind that it is recognizable multiethnic municipality, has in its document few sentences more about tradition of coexistence and mutual help among communities, as well as the conclusion that the rise of ethnic exclusivity and inter-ethnic intolerance in the country is a menace for the youth development in Struga. Consequently, one of the priorities listed in the Youth Strategy of Municipality of Struga is enhancement of inclusion of youth in the implementation of multicultural projects.

Youth Strategy of the Municipality of Kicevo 2017 - 2022 recognizes that multi-ethnic integration is an issue that is very important in an environment of the Municipality of Kicevo, but also for the youth who live in this municipality and spend their time together every day. Therefore, this issue has a special place in the Strategy as the activities in this area concern all young people. In this document it is recognized that although the most of young people in this town have friends from different communities, there is a worrying trend of increased hate speech on ethnic basis among the youth.

Conclusions

- International and domestic monitoring organizations, civil society and media are continuously registering hate speech and hate incidents, including those committed due to ethnic background and due to political affiliation, and most of them are making efforts to advocate for introducing preventive measures, including education about democratic political systems, human rights and raising public awareness, especially among young people.
- There is an increase of the public perception that the most widespread discrimination in North Macedonia is on grounds of political affiliation and ethnicity.
- A large part of citizens do not recognize the relevant antidiscrimination institutions, including the Commission for Protection against Discrimination, the Ombudsman, courts and civil society organizations.
- There is a lack of civic engagement among young people related with fight against discrimination and against hate speech, especially on areas where they are spending most of their free time - social networks.

⁴⁴ National Youth Strategy 2016-2025, page 21

http://www.ams.gov.mk/images/dokumenti/mladi/National_Youth_Strategy_2016-2025_eng.pdf

⁴⁵ Youth Strategy of Municipality of Strumica 2015-2020, <https://strumica.gov.mk/downloads/publikacii/Strategija-Mladi-Strumica.pdf>

⁴⁶ Youth Strategy of Municipality of Centar 2015-2020, https://www.centar.gov.mk/doc/JavniDejnosti/Strategija_MLADI_centar.pdf

⁴⁷ Youth Strategy of Municipality of Struga 2015-2020, <https://ccstruga.mk/wp-content/uploads/2019/12/Strategija-Mladi-Struga-MK.pdf>

- The quality of interactions among students of different ethnicities in formal and non-formal education is still insufficient, having in mind that there is no systematic engagement of national and local authorities responsible for education policies, school management, teachers and all students in interethnic activities, including those who hold negative perception of other ethnic communities.
- Hate speech used by politicians during public debates and political campaigns, results in hate crimes committed by their supporters.

Recommendations

- Public institutions should allow prompt and effective investigation and prosecution of hate crimes, and should publish data on hate crimes, including the number of such incidents reported by the public and registered by law enforcement authorities and the number of convictions.
- Greater public promotion is needed about the competences of institutions involved in the fight against discrimination, especially the Commission for Protection against Discrimination, the Ombudsman Institution and courts.
- Civic participation and youth engagement should be supported in formal education with encouraging the use of available resources and expertise of civic sector. Models of education that put greater emphasis on cooperation, tolerance, understanding and knowledge of other cultures, social groups and political views need to be promoted.
- All contributors in education process need to include all students in interethnic activities, and to encourage young people for participation in educational exchange programs.
- It is necessary for political parties to make a more serious effort to reduce party-based discrimination and ethnic hatred in order to create a new political culture based on dialogue and cooperation, respect between people from different ethnic, religious and cultural backgrounds, constructiveness when handling conflicts.

Tools and resources available

- European Commission, Commission Staff Working Document, North Macedonia 2019 Report, Brussels, 29.5.2019, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>
- Republic of North Macedonia, Ombudsman, Annual Report on the Degree of Provision, Respect, Advancement and Protection of Human Rights and Freedoms, 2018, Skopje, March 2019
- Law on Prevention and Protection against Discrimination was adopted in 2010 as first legal regulation in the country to ensure protection against discrimination, and came into force on 1 January 2011
- Barometer of Equal Opportunities, <https://www.osce.org/mission-to-skopje/439679>
- Youth Study North Macedonia 2018/2019, Topuzovska, Laktovich M., Borota Popovska, M., Serafimovska, E. Cekich, A. Starova, N. (2019), Friedrich Ebert Foundation - Skopje, <http://library.fes.de/pdf-files/id-moe/15266.pdf>
- Multicultural connections in the Civil Sector in the Republic of Macedonia, Liljana Popovska, Publisher: Macedonian Center for International Cooperation, 2017
- Manual on the Elimination of Ethnicity-Based Discrimination, Mirjana Najcevska, Sasko Todorovski, Publisher: Foundation Open Society Institute – Macedonia, 2009, <https://fosm.mk/wp-content/uploads/publications/priracnik-eliminiranje-na-diskriminacija-angliski.pdf>
- <https://www.radiomof.mk/dehejtizacija/>
- Macedonian-Albanian/Albanian-Macedonian dictionary for primary schools <https://hcnm-ndc.org/>
- <https://respublica.edu.mk/attach/Govor-na-omraza-vo-mediumite-vo-Makedonija-rezime.pdf>
- Strategy for the development of Concept for One Society and Interculturalism, Government of the Republic of North Macedonia, 2019, https://vlada.mk/sites/default/files/dokumenti/strategii/strategija_ednoopshtestvo_29.10.2019.pdf
- Strategy for Inter-ethnic Integration in the Education and Civic Participation of the City of Skopje 2019-2024, <https://skopje.gov.mk/media/>
- National Youth Strategy 2016-2025, http://www.ams.gov.mk/images/dokumenti/mladi/National_Youth_Strategy_2016-2025_eng.pdf
- Youth Strategy of Municipality of Strumica 2015-2020, <https://strumica.gov.mk/downloads/publikacii/Strategija-Mladi-Strumica.pdf>
- Youth Strategy of Municipality of Centar 2015-2020, https://www.centar.gov.mk/doc/JavniDejnosti/Strategija_MLADI_centar.pdf

Youth Strategy of Municipality of Struga 2015-2020, <https://ccstruga.mk/wp-content/uploads/2019/12/Strategija-Mladi-Struga-MK.pdf>

Useful web links:

- Mission of OSCE in Skopje www.osce.org.mk
- Helsinki Committee for Human Rights Skopje <https://mhc.org.mk/>
- ResPublica <https://respublica.edu.mk/>
- Peace Action <http://mirovnaakcija.org/>
- Nansen Dialogue Center Skopje <https://ndc.org.mk/>
- Macedonian Civic Education Center (<https://www.mcgo.org.mk/>)



5. State of play- reconciliation and no hate speech in Kosovo

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Introduction

The concept of reconciliation is not a self-evident one nor does it follow the same pattern in all post-conflict societies. It is generally claimed that there is no universal agreement on the concept of reconciliation but at the same time, it is universally accepted that reconciliation is a process of rebuilding relations after conflicts. Moreover, it is accepted that in principle the process of reconciliation “involves mutual recognition of a common violent past and the transformation of a harmful relationship and behavior to promote a shared future towards sustainable peace (Lederach, 1997; Bloomfield, 2003).”⁴⁸

As a process that occurs in the aftermath of massive human rights violations and destruction, reconciliation remains indispensably connected to dealing with the violent past while simultaneously building the future. Its fundamental role in post-conflict societies consists of the fact that it enables a better understanding of the violence that occurred in the past, but also to take appropriate measures and initiatives for substantial social, political and economic transformations to restore society and ensure lasting peace.

According to a published paper in 2017, *Deconstructing Reconciliation in Kosovo*, it is stated that “some academic researchers have pointed out that reconciliation should be seen as a multi-dimensional process that includes the promotion of different values such as *truth, justice, mercy, and peace* at all levels of society. Hence, for many of them, the success of reconciliation is based on the development of a comprehensive strategy sustained by both top-down and bottom-up initiatives.”⁴⁹ It is also stated that for reconciliation to be successful it requires a multi-sectorial approach and involvement such as “political, religious, or ethnic leaders, civil society groups, and non-governmental organizations at a top and middle-range level, but above all, the process must focus on individuals at a grassroots level”⁵⁰.

Despite its complexity, a crucial element in shaping the process of reconciliation appears to be the context in which it is applied as well as inclusion of different social groups. Based on researches and academic papers available it seems that for a long time there was no common understanding of what reconciliation in Kosovo and the Western Balkans is, mentioning also the lack of official and unofficial publications that enable the development of an authentic regional understanding and strategy.⁵¹

Kosovo remained deeply affected after the war in the late 1990’s “resulting in numerous casualties, missing persons, political prisoners, victims of sexual violence, war crimes, and violations of international law”⁵² Various attempts towards reconciliation between Albanian and Serbian communities have been initiated, by

⁴⁸ Ahmetaj, N, Kabashi-Ramaj.B, Jaquot.M, Buzhala.Y, Hoxha.A, (2017), “Deconstructing Reconciliation in Kosovo”, Centre for Research, Documentation and Publication

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

⁵² Hetemi.A, 2017. *Dealing with the past and the process of reconciliation in Kosovo*, Kosovo Foundation for Open Society

international actors, at the international level as well as at the national level, ever since the NATO intervention in 1999, and the nature of these attempts was mainly around institution building and legislation⁵³. These normative and legal acts were taken to stipulate commitment of Kosovo to human rights, freedom, and the rule of law and protection of minorities against discrimination. Despite initiatives and legal framework in place, Kosovo does not have an all-encompassing strategy on dealing with its past and reconciliation, even though this appears vital to the society. Moreover, the general efforts designed so far in Kosovo to reach reconciliation have not produced the expected⁵⁴

In this respect, this desk research aims to provide up-to date information on the existing policy, normative acts, data, and initiatives that tackle the issue of peace and reconciliation and no hate speech in Kosovo, with a special focus on youth which constitute nearly half of its population.

Reconciliation initiatives and mechanisms in Kosovo

People under 25 constitute nearly half of Kosovo's population, ranking it as the country with the youngest population in Europe. Twenty years has passed since the conflict in Kosovo, this also means that it has a whole new generation of youngsters who have not even been born at the time of conflict. These are the generations that have little to no memories of the conflict while the future and the peacekeeping process depend on them to a large extent. Youth are considered to play a crucial role in reconciliation processes and act as transformative force in post-conflict societies that are often characterized by continued distrust, suspicion, resentment and segregation.⁵⁵

Unfortunately, young generations in Kosovo remains an untapped potential with little to no involvement in decision making processes, meanwhile facing a harsh social and political environment which render them passive and excluded. According to Friedrich Ebert Stiftung's study "Youth Study Kosovo 2018/2019", "around 44 % of the young Kosovars often hang out and do nothing, while 22 % do so often and another 22 % do so very often". The main concern of youngsters in these focus groups was hanging out and doing nothing while describing their peers as indifferent and lacking prospects.⁵⁶ The high degree of abstinence from civic and political actions (as only 10 – 16 per cent of young people consider these aspects to be very important) as well as the lack of a bond among young people that can serve as cohesion making them more co-operative when it comes to generating and obtaining mutual benefit portrays a highly concerning issue.⁵⁷ The limited opportunities of youth to participate in political, social and economic development of the country are persistent, while their role in local and regional reconciliation and peace building processes should be crucial. The segregation of communities along ethnic lines in Kosovo also has implications for the younger generation.

Kosovo hosts many efforts and initiative that target young people in different areas; international organizations as well as CSOs have and still are playing a major role with projects on skills development and foster inter-ethnic cooperation through sportive, cultural and other non-formal activities.

⁵³ Ahmetaj, N, Kabashi-Ramaj.B, Jaquot.M, Buzhala.Y, Hoxha.A, (2017), "Deconstructing Reconciliation in Kosovo", Centre for Research, Documentation and Publication. p.14

⁵⁴ Adamović, M, Gvozdanović.a, Kovačić.M, 2017, Process of Reconciliation in the Western Balkans and Turkey: A Qualitative Study; Published by: Complex d.o.o, Institute for Social Research in Zagreb (ISRZ), p.103

⁵⁵ <https://policyblog.uni-graz.at/2019/08/kosovo-these-days-empowering-youth-in-the-reconciliation-process/>

⁵⁶ Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.13

⁵⁷ Ibib

On 2009, the Assembly of the Republic of Kosovo passed the Law on Empowerment and Participation of Youth. "This law aims to promote and reaffirm continued participation of youth in the decision making process, without any difference and exclusion, in the development of a democratic society, in order to improve the quality of life of youth and their social status."⁵⁸ Moreover, this law recognizes the right of youth for self-organizing and volunteer work while holding them responsible to: 1) respect the principles of peace, justice and understanding among people that aim the welfare and development of the Republic of Kosovo and 2) respect the equality and dignity of all people, guaranteed with Constitution of Republic of Kosovo.⁵⁹ Based on this law and on an AI for the Responsibilities and Procedures of the Establishment and Functioning of Youth Action Council in Kosovo, Local Youth Action Councils (LYAC) have been established and operate throughout Kosovo municipalities. LYACs are considered as an important stakeholder in policy making having the opportunity to empower young people and address their issues at the local and central level. During the year 2017, four Local Youth Action Councils were established in northern municipalities (Mitrovica North, Zvecan, Leposavic and Zubin Potok) thus covering the areas where minority community is highly concentrated.⁶⁰

LYAC's are very important network of youth organizations and many CSOs are now considering them as partners on implementing youth projects since they are a great help on reaching out young people in respective municipalities. Despite their engagement in activities at the local level, some of the organizations are more active and successful than others, but in general reports show that "in the case of Kosovo, it can clearly be seen that majority LYAC's are more active in community and different advocacy initiatives than their minority counterparts".⁶¹ Fostering cooperation between LYACs, building their capacities and empowering minorities, LYAC's are considered as a necessary step forward, otherwise it threatens to create a "two-tiered system of representation of youth" and deepen the distance between majority and minority communities.⁶²

There are a number of identified obstacles that narrow the chances of LYACs to remain functional in the future. They are mostly operating as passive fundraisers (responding to calls for proposals on specific topics that are important to various donors) and their individual capacities are very basic in terms of management and the general role of LYACs. This prevents them from developing specific sectors, building their capacities and expertise on specific issues and strategically developing the LYACs.⁶³ Even though all LYAC's have undergone through capacity trainings, further capacity development is needed in order to be able to address youth issues.

Unemployment rate in Kosovo is very high and among young people aged 15-25 it goes up to 57.7% according to UNDP.⁶⁴ Female youth are almost twice as likely to be unemployed as male youth, thus pronouncing great gender difference when it comes to employment opportunities.⁶⁵ On the other hand, education system is not properly aligned with labor market needs which results in low employability of youth and lack of skills and knowledge needed in the labor market. Despite this fact, there is a high rate of enrolment in education; an overwhelmingly majority (92%) of young Kosovar intend to attain higher education even though the possibility of finding a job after graduation is quite low. This trend is often considered as an attempt by countries in transition to alleviate employment pressure.⁶⁶

⁵⁸ Law No. 03/L-145 ON EMPOWERMENT AND PARTICIPATION OF YOUTH https://www.youthpolicy.org/national/Kosovo_2009_Youth_Law.pdf

⁵⁹ Ibid

⁶⁰ Advocacy Centre for Democratic Culture, (2018), Policy Paper on Functioning of Local Youth Action Councils in Kosovo, https://acdc-kosovo.org/documents/NGO%20ACDC%20Policy%20Paper%20on%20LYAC_USAID_AKT-LS%20final.pdf

⁶¹ Communication for Social Development and Forum for Development and Democracy (2016), Need assessment and internal capacities of Local Youth Action Councils <http://csdkosovo.org/wp-content/uploads/2019/03/lzvestaj-o-proceni-kapaciteta-LSOD-ENG.pdf>

⁶² Ibid

⁶³ <http://csdkosovo.org/wp-content/uploads/2019/03/lzvestaj-o-proceni-kapaciteta-LSOD-ENG.pdf> P.29

⁶⁴ UNDP data, <https://www.ks.undp.org/content/kosovo/en/home/countryinfo.html>

⁶⁵ <https://millenniumkosovo.org/wp-content/uploads/2018/11/MCC-Kosovo-Labor-Force-and-Time-Use-Study-Final-Research-Report-1.pdf>

⁶⁶ Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.39

The Education Strategic Plan specifically addresses the inclusion of minorities in non-discriminatory education as well as vocational education, non-formal education, and trainings for adults who had their education interrupted during the conflict.⁶⁷ The development of a skillful labor force is of an utmost importance and the crucial step in addressing the unemployment crisis. VET schooling is a great potential to enhance economic growth, to increase in labor participation, lower unemployment rates, and to offer more opportunities for young people who lack skills and resources.⁶⁸ Kosovo, as many other countries, has put Vocational Education and Training (VET) as a priority in educational policies. Even though “reforms on VET education are ongoing for many years by the Ministry of Education, Science, and Technology (MEST), the VET system in Kosovo continuously fails to meet the emerging needs of the market economy and is predominantly school based, which affect the likelihood of students’ employability.”⁶⁹

Many international organizations such as GIZ, SDC Swiss Cooperation, and Austrian Development Agency among others in consequent years are supporting a wide range of projects that aim to reduce unemployment through enabling young people to develop professional skills that correspond to the labor market demand. Given the gap between skills and job market demands, some CSOs, innovative centers, and private schools are offering alternative informal training opportunities for youth.

NGO Toka is also a good example in non-formal education and service learning with the aim to empower youth to become agents of positive social change by supporting their skill development through experiential learning. So far, they have worked with over 15,000 young people in Kosovo, where girls constitute more than 50% of their beneficiaries and 50 % of its participants come from ethnic minorities and other disadvantage groups.⁷⁰

In 2010, UNICEF established Innovations Lab, a non-traditional form of education initiative that aims at empowering young people. Through improving live and work skills of young people the Lab through innovative social entrepreneurship simultaneously addresses social problems and increases employment opportunities. Another important segment of this initiative is also the targeted group which consist of “youth (aged 14-24 years), with an emphasis on marginalized and socially-excluded groups such as minority communities, rural communities, communities living in poverty and adolescents with disabilities.

The importance of combining entrepreneurial activity with peace and reconciliation was also addressed by the regional project Divided Past-Joint Future. Organization Lens, implementing partner for Kosovo, through research and innovation labs explored the opportunities and potential prototypes for social enterprises in Kosovo. Another added element in this initiative was also the inclusion of cross-sectorial approach in peace and reconciliation, an approach that aims at establishing peace and reconciliation as the common denominator in cross-sectorial cooperation.

Organizations and networks that address human rights, peace and reconciliation at the regional level are also present. Youth Initiative for Human Right in Kosovo is part of regional network of organizations that share the same mission and vision and has been quite vocal and active in enhancing critical thinking of youth through education, activism, campaigns, local and regional networking.

In 2016, six Western Balkan Countries on the WB Summit in Paris signed an agreement to establish Regional Youth Cooperation Office (RYCO), an international organization that promotes reconciliation and youth regional

⁶⁷ Kosovo Education Strategic Plan (2017-2021), http://www.kryeministri-ks.net/repository/docs/KOSOVO_EDUCATION_STRATEGIC_PLAN.pdf

⁶⁸ Vocational Education and Training in Kosovo: Challenges and Opportunities, (2019) https://www.keen-ks.net/site/assets/files/1470/vet_education_in_kosovo_challenges_and_opportunities_eng.pdf

⁶⁹ Ibid

⁷⁰ NGO Toka, <http://www.toka-ks.org/En/results/>



cooperation through exchange programs between Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia and Serbia. Financed by the governments of the region, EU and other donors they support project that promote reconciliation, dialogue and regional youth cooperation.

Hate speech in Kosovo

Governmental approach and commitments in dealing with the past appears to be crucial and determinant in inter-ethnic relations and as such shaping the process of reconciliation at large. Political stances and engagement of Kosovo Institutions are considered to have had a direct impact on perceptions of K-Albanian and K-Serbs regarding inter-ethnic relations.

Available data show that perceptions of both communities in regards to inter-ethnic relations have changed over the years and changes K-Serb perceptions in this regard, during the last decade the percentage of K-Serbs who believed that the inter-ethnic relations in Kosovo are tense and not improving was constantly higher, and remains so to this day⁷¹. The above statement, on perceptions on inter-ethnic relations, unveils the political reality under which these perceptions are formed. Another important element believed to directly affect the public opinion are also international and local court verdicts against those involved in war crimes, showing that justice for war crimes is crucial in the process of reconciliation.⁷²

In addition to politics and justice, the regulation of hate speech also plays an important role in constructing realities and as such in reconciliation processes and in building democratic values in post-conflict societies. Hate speech regulation is considered to be of high importance, a first step toward an independent press which plays a key role in promoting democratic values of societies. "This message is of superlative importance in Kosovo, where a statement affirming ideals of equality and respect for minorities may lay the framework for a burgeoning sense of tolerance. There is also the matter of the declaratory value of hate speech regulation in a political sense. The formal condemnation of hate speech sends a powerful message that the new regime takes equality seriously".⁷³

Freedom of expression in Kosovo is guaranteed in the Constitution and it is considered to have pluralistic and lively media environment.⁷⁴ Moreover, "the legislation on libel, hate speech and defamation is in line with European Court of Human Rights case-law."⁷⁵

In 2005, Independent Media Commission was established, which is an independent regulator to ensure media (audio-visual) pluralism as well as set the standards. Even though the Commission is provided with sufficient regulatory, monitoring and enforcement powers, such legislation does not cover media available online and this persist to be a major challenge.⁷⁶ According to this report one of the issues that remained unregulated is the public's right to reply and correction. Another self-regulatory body founded for and by the print media is Press Council of Kosovo. Its mission is based on the convictions of the Press Code of Kosovo.⁷⁷

⁷¹ Hetemi.A, 2017. *Dealing with the past and the process of reconciliation in Kosovo*, Kosovo Foundation for Open Society, p.275

⁷² Ibid

⁷³Palmer. Laura.P, A Very Clear and Present Danger: Hate Speech, Media Reform, and Post-Conflict Democratization in Kosovo, THE YALE JOURNAL OF INTERNATIONAL LAW, Vol. 26: 179, p. 214-215

<https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1140&context=yjil>

⁷⁴European Commission, Kosovo Report 2019, p. 25

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

⁷⁵ Ibid.

⁷⁶ Ibid p. 26

⁷⁷ Press Council Of Kosovo

<http://presscouncil-ks.org/about-us/?lang=en>

Nowadays, most of the media content is published online and the number of population who has access to internet reached 91% while number of mobile users stood at 103% of the population⁷⁸.

This also shows the extent to which content produced and consumed online influences our beliefs and consequently our actions, and not just in Kosovo. Whilst online media provide news, it is claimed that they not always produce it; rather they utilize stories and content from other sources, and at times not respecting copyright legislation. For a period of time most of the portals allowed comments by readers and they were made public without sufficient checks. This space given to reads besides an opportunity for readers to interact was also considered as a space where hate speech was instigated. In this respect, "Following the decision of the European Court of Human Rights in *Delfi AS v Estonia*¹⁰ and a number of unfavorable decisions from the Kosovo Press Council, some of the online portals withdrew the opportunity to comment entirely. However, the latter does not necessarily reflect the Court's decision, which held that contracting states may be entitled to impose liability on news portal only in circumstances where there is hate speech and direct threats are made to the physical integrity of individuals, as understood by the Court's case law"⁷⁹.

One of the key challenges in Kosovo remains rule of law, and implementation of the legislation for audio-visual sector is not an exception either. According to the Report for Kosovo (2019) Independent Media Commission (IMC) has not carried out any market analyses in the last years. Moreover, IMC is not effectively initiating cases and implementing fines⁸⁰.

Government has not approved IMC's draft strategy for digital switchover, therefore newspapers and broadcasters who switched online are not monitored. The Press Council follows the online press by reacting to complaints, but its role remains limited due to the lack of necessary means to carry out investigation or market analyses.⁸¹

Even though this may seem as convenient environment for media to act freely and unhindered this is considered to be a gap that may lead to hate speech, libel and defamation.⁸² In this report, there is also reported an increase on follow-up to threats and attacks against journalist by law institutions, and in general, only few cases of hate crimes are brought to court. Of the 855 cases opened for investigation by the Ombudsperson due to complaints filed by citizens, 98 related to discrimination⁸³

The majority (56 %) of youth in Kosovo access the Internet all the time in one form or another⁸⁴. The amount of information young people are exposed to on daily bases through internet is enormously high and the sources of these information not always traceable therefore they are at a great risk to be exposed to fake news and hate speech. The information that youth absorb shapes their opinion, knowledge, and therefore their behaviors; in turn influencing their behavior in the community and society at large.

Media literacy is considered to be the adequate response to unverified sources of news and information that may incite hate speech and consequently affect behavior. Nevertheless the importance to understand media literacy and skills to filter biased information, the formal education in Kosovo does not provide the possibility to gain these skills, hence this topic is excluded completely from the curriculum in secondary education. However, there are international organizations, agencies and NGOs who work in empowering youth in critical media literacy, while also providing them the opportunity to experience hands-on internships in media outlets. As the biggest and earliest developed program, UNICEF's PONDER- Critical Media Literacy

⁷⁸ European Commission, Kosovo Report 2019, p. 51

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ Ibid

⁸² CoHu, Kosovo2.0, Press Council of Kosovo, "Freedom of Expression, Media and Information in Kosovo-An Assessment Based on Council of Europe Indicators for Media in a Democracy

⁸³ Ibid p28

⁸⁴ Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.39



Programme, helps young people from Kosovo improve their critical thinking skills, be conscious, aware, understand and evaluate the information they encounter from a critical perspective, while also providing them opportunities to exercise these skills in real media outlets. Through a four module program (Critical thinking for media Literacy, Diversity of media, positions and experiences, Reading and Interpreting images and Empowerment through media literacy) Ponder empowers youth and adolescents to challenge indoctrination and anti-social messages with a critical interpretation of what they see, hear, and read, all while realizing their role as agents of social change.⁸⁵

Except being exposed to unverified information and potential hate speech, another segment that makes access and communication between young people in the region difficult, in the uncommon language. According to Youth Study Kosovo 2018-2019, more than one-third of young Albanians and almost half of young Serbians are convinced that there is no need to learn the others language. On the other hand, 29 % of young Serbians agree that learning the common language should be compulsory for both communities. Moreover, 21 % of young Albanians think the same.⁸⁶

Communication between young people of both ethnicities is mainly in English, therefore this creates obstacles for young people of both communities to have access on information regarding each other's values, social and cultural activities.

Conclusion

Kosovo suffered great loss during the last war with Serbia, while reforms and recovery have also had a very slow pace and Kosovo still faces great challenges. Youth constitute more than half of the population which makes them the main stakeholder in social and political development of the country.

Unfortunately, the youth of Kosovo face great difficulties such as poor quality of education, consequently a lack of skills for the labor market and a very high rate of unemployment.

Education system is not aligned with market economy demands, which creates difficulties for young people to get employed. Even though reforms on education are ongoing for years now they fail to meet the emerging need of market economy.

One of the major problems of youth remains exclusion from social and political life, which means that participation of young people in politics, policy making and social change is on a low scale. The lack of participation of young people in political and social processes also means that their perspectives and needs will not be reflected in development policies. The segregation of communities along ethnic lines in Kosovo also has implications for the younger generation.

As a response to these difficulties non-formal initiatives and programs are being implemented by national and international organizations which are prove of good practices. There is no strategy on dealing with the past, transitional justice and reconciliation, therefore these initiatives still remain fragmented with no proper recognition and adoption by government policies.

Hate speech regulation is of high importance, which assures the freedom of speech and therefore promotes democratic values of the society. Freedom of expression in Kosovo is guaranteed in the Constitution while the legislation on libel, hate speech and defamation is in line with European Court of Human Rights case-law.

⁸⁵ <https://www.osce.org/mission-in-kosovo/376975>

⁸⁶ Friedrich Ebert Stiftung, (2019), Youth Study Kosovo 2018/2019, p.80.

Rule of Law in Kosovo remains a big challenge; implementation of the legislation for audio-visual sector is not an exception either. Online produced content is enormous and the source of information is often unverified, therefore young people are constantly exposed to fake news and information that could incite hate speech. Having in mind the crucial role of Media Literacy as a response to the current situation, it is immediate to include these training programs in formal education in order to reach young people.

Recommendations

1. A platform should be developed to de-fragmentize the existing functionality of the NGOs in Kosovo, as such linking the programs that address different issues concerning youth, and linking youth programs with those the NGOs that specifically address reconciliation, and peace-building.
2. Collaboration between civil society and government initiatives should be a priority to the Ministry of Culture, Youth and Sports, when drafting the Strategy for youth and its priorities.
3. The government should recognize and acknowledge the non-formal education, and take initiatives to include and adapt successful programs as part of the formal education curriculums.
4. A Strategy should be developed to address specific steps to building collaboration and inclusion of all ethnic groups, in all aspects of youth development.
5. The government should increase accountability for media outlets producing news.
6. Tertiary education should also include successful non-formal programs in enriching their curriculum and offering up to dated programs, that are in-line with the labour market needs, and which will foster employability of youth.
7. The Association of Media in Kosovo, should improve collaborations with NGOs and recognize the media literacy programs, while also contributing to creating a youth body that will allow graduated and trained youth to develop their skills in media outlets.

6.State of Play-reconciliation and no hate speech in Serbia

AUTHOR: AGENCIJA MENSCH - SERBIA

Executive Summary

In Serbia, the highest legal act - the **Constitution of the Republic of Serbia** of 2006, regulates in various articles: protection of human and minority rights and freedoms, prohibition of discrimination, freedom of thought, conscience and religion, freedom of expression of nationality, encouragement of respect for differences, prohibition of provocation racial, national and religious hatred. Also, the Republic of Serbia has passed laws dealing with the protection of rights and freedoms, non-discrimination, war crimes etc. (the **Law on the Prohibition of Discrimination**, the **Law on the Protection of Rights and Freedoms of National Minorities**, the **Law on Organization and Competence of Government Authorities in War Crimes Proceedings**, the **Law on Cooperation between Serbia and Montenegro with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**, the **Law on the Rights of Civilian Invalids of War**, the **Law on public information and media**, **Criminal code** etc.

The Protector of Citizens (Ombudsman of Serbia) is an independent and autonomous government body responsible for the protection and promotion of rights and liberties. The immunity enjoyed by the Protector of Citizens enables the independence of his/her work. The Protector of Citizens focuses particularly on the protection of: national minority rights, children rights, rights of disabled persons, rights of people deprived of liberty, gender rights. The Protector of Citizens controls, by checking the allegations of complaints or acting at own initiative, whether state administration bodies, Republic Public Attorney, bodies or organizations exercising public authority, treat the citizens of Serbia in accordance with law and other regulations of the Republic of Serbia or in compliance with the principles of good administration (source: ombudsman.org.rs).

The Commissioner for the Protection of Equality is an independent and specialized government body formed under the Law on the Prohibition of Discrimination. The tasks of the Commissioner are to prevent all forms and cases of discrimination, to protect the equality of individuals and legal entities in all areas of social relations, to supervise the implementation of anti-discrimination regulations and to promote the realization and protection of equality (source: ravnopravnost.gov.rs). *In Serbia, numerous **Non-governmental organizations** deal with reconciliation, human rights and no hate speech.*

Humanitarian Law Center (HLC) was established in 1992 by human rights activist Nataša Kandić as a human rights non-governmental organization that would document the human rights violations perpetrated on a massive scale across the former Yugoslavia, during the armed conflicts in Croatia, in Bosnia, and later in Kosovo. Since 1992 HLC has worked tirelessly to document war crimes and human rights abuses and support victims and their families in achieving justice. The work of Humanitarian Law Center encompasses documentation, justice and memory. Humanitarian Law Center supports post-Yugoslav societies in promotion of the rule of law and acceptance of the legacy of mass human rights violations, and therefore in establishing the criminal responsibility of the perpetrators, serving justice, and preventing recurrence.



Realization of these goals in the region implies going through a comprehensive and multifaceted transitional justice process. First and foremost, victims of war crimes need to fulfill their right to justice, truth, and reparation. Second, this process encompasses bringing those responsible for the crimes to court and unraveling of the institutional and state structures that were instrumental in the systematic human rights violation of the 1990s wars. Finally, awareness of the crimes that took place and giving recognition to the victims in broader society is crucial so that such crimes do not happen again.

Humanitarian Law Center nurtures a regional approach to justice through RECOM – a civil society initiative to create an official regional truth commission to establish the facts about war crimes and human rights violations committed on the territory of the former Yugoslavia in the period between 1991. and 2001. HLC has developed numerous partnerships and it is a member of Coalition for RECOM, International Coalition of Sites of Conscience and Victim Support Europe (source: hlc-rdc.org).

The **Belgrade Centre for Human Rights** was established by a group of human rights experts and activists in February 1995 as a non-profit, nongovernmental organization. The main purpose of the Centre is to study human rights, to disseminate knowledge about them and to educate individuals engaged in this area. It hopes, thereby, to promote the development of democracy and rule of law in Serbia. Since 1998 Belgrade Centre for Human Right has been publishing Annual Human Rights Report. This Report on Human Rights in Serbia analyses the Constitution and laws of the Republic of Serbia with respect to the civil and political rights guaranteed by international treaties binding on Serbia, in particular the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights and Fundamental Freedoms (ECHR) and its Protocols and standards established by the jurisprudence of the UN Human Rights Committee and the European Court of Human Rights (ECtHR) (source: bgcentar.org.rs). **The Lawyers' Committee For Human Rights (YUCOM)** was founded in 1997 as an expert, voluntary, non-governmental organization whose members are legal experts engaged in promoting and advocating for the rule of law and compliance with human rights, raising public awareness, conceiving, establishing and leading civic initiatives, providing legal assistance to victims of human rights violations, as well as developing co-operation with national and international organizations involved in human rights' protection and promotion. YUCOM is renowned as an organization advocating for human rights and promoting the active participation of citizens through legal initiatives. It has profiled itself and gained much recognition as a human rights defender organization (source: en.yucom.org.rs).

Youth Initiative for Human Rights (YIHR) is a regional network of non-governmental organizations with programmes in **Serbia, Croatia, Montenegro, Bosnia and Herzegovina and Kosovo. Since their foundation in 2003, the Youth Initiative for Human Rights has been fighting for the same values.** The basic values of the Initiative are truth, justice, accountability, equality, freedom, democracy and peace. YIHR is fighting for peace in the region, not only for the absence of war, but for the peace as a lasting process which means dealing with the past and which results in continuous co-operation between the states and people in the region. **The focus of the Youth Initiative for Human Rights is on societies and citizens, above all the youth, who are least familiar with the events and war crimes committed during the 1990s. More than 15,000 secondary school pupils, students, legal specialists, artists, journalists, human rights activists, film makers and writers have gone through exchange programmes** which the Youth Initiative for Human Rights has been organizing. In first 15 years of work, the Initiative has published several hundreds of press releases, more than 30 analytic reports and studies, organized 200 training programmes, more than 150 regional exchange programmes, 300 street actions and protests, and won 15 cases before national and international courts (source: yihhr.rs/en).

Regional Youth Cooperation Office (RYCO) is an independently functioning institutional mechanism, founded by the Western Balkans 6 participants (WB 6): Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia, aiming to promote the spirit of reconciliation and cooperation between the youth in the region, through youth exchange programs. The Agreement on establishment of

RYCO was signed by the WB 6 Prime Ministers on WB Summit held in Paris, on 4 July 2016 (source: rycowb.org).

Policy approach towards reconciliation and no hate speech

The **Belgrade Centre for Human Rights (BCHR)** presented its 2019 Annual Reports on Human Rights in Serbia and on the Right to Asylum in Serbia. **The 2019 Human Rights report in Serbia** was presented by its editor, Dr. Vesna Petrović. Mr. Matthias Schikorsky, Second Secretary, Political Adviser and Human Rights Officer at the German Embassy in Belgrade and the authors of the Report, BCHR expert Mr. Dušan Pokuševski and reporter Mr. Ivan Protić, discussed the human rights situation in the country. Dr. Petrović said that the human rights situation in Serbia has been deteriorating due to lack of dialogue in society and dwindling public trust in state institutions. She cited in example the offensive vocabulary the Serbian MPs have been resorting to in their qualifications of journalists, judges, actors and others who do not share their views, their failure to publicly debate the laws they were adopting and their adoption of laws with corruptive provisions. "We thought something would change when the (EU accession) talks on Chapter 23 opened but the fact that no-one has been appointed in lieu of Ms. Tanja Mišćević, who stepped down as the head of the Serbian EU negotiation team in September 2019, speaks volumes. The public does not know who is negotiating on behalf of Serbia.

Only two new Chapters were opened last year," said Professor Petrović. In the context of Serbia's EU accession talks, Mr. Schikorsky said that human rights were still not at the level at which they should be, due to political influence on the media. He, however, qualified the new Media Strategy as a "light at the end of the tunnel", indicating the Serbian Government's resolved to address this issue and thus contribute to free elections. One of the Report co-authors, journalist Mr. Ivan Protić, said that the year-long deterioration of the situation on the media stage gained in intensity in the year behind us. "At least 110 incidents targeting reporters were registered, including a murder attempt. The Press Code of Conduct was violated 5,057 times in the second half of the year, one-sixth more than in the same period in 2018," Protić said. BCHR lawyer and Report co-author Dušan Pokuševski spoke about the right to privacy and the senior government officials' disclosure of media in-house correspondence.

The 2019 Right to Asylum in the Republic of Serbia Report was presented by UNHCR Representative in Serbia Mr. Hans Friedrich Schodder and the authors of the Report, BCHR lawyers Ms. Anja Stefanović and Mr. Marko Štambuk. The Report notes headway in the exercise of the right to asylum in Serbia in the reporting period, but warns that the asylum system is still far from being fully functional, especially since asylum seekers and refugees still largely depend on the assistance of NGOs, in the absence of systemic measures and efficient coordination among the relevant state authorities. Mr. Štambuk said that asylum applications were filed by only 252 of the 12,973 aliens, who had expressed the intention to seek asylum in 2019. He explained that the intention to seek asylum entitles aliens to stay temporarily in Serbia legally until they continue their journey to other countries. He specified that most asylum claims were filed in 2019 by nationals of Iran, Afghanistan, Burundi, Iraq and Turkey. The Serbian Asylum Office granted asylum to 35 applicants in 2019. The BCHR's Asylum Report builds on its legal professionals' years-long experience in extending legal aid to asylum seekers and aliens granted asylum in Serbia. The 2019 Report provides an overview and analysis of the implementation of national regulations and international standards on asylum and of other administrative proceedings of relevance to integration in Serbia's society. The data in the Report, covering the 1 January – 31 December 2019 period, were obtained from the UNHCR Office in Belgrade, the Serbian Ministry of Internal Affairs and the national Asylum Office. In partnership with the UNHCR, the BCHR has been extending legal aid to asylum seekers and aliens granted international protection in Serbia since 2012 (source:



bgcentar.org.rs). Complete annual reports are available at [Human-Rights-in-Serbia-2019](#) and [Right-to-Asylum-in-Serbia-2019](#)).

Analysis of the normative and institutional framework for the prohibition of hate speech in the Republic of Serbia (Foundation Public Law Centre, author: Radomir Zekavica, 2019) -*Summary*: After analyzing the prohibition of hate speech in international law and practice, the author analyzes the normative and institutional framework for hate speech prohibition in Serbia. The analysis points to valid legal solutions to this prohibition, regulations of regulatory bodies that are responsible for combating hate speech in print and electronic media and the Internet, and then provides an overview of institutional mechanisms of protection against hate speech. After that, the author gives a critical overview of the functioning of the normative-institutional framework for the prohibition of hate speech and points to the key problems, first of all: the problem of media freedom, the high degree of non-recognition of the essence of discrimination and hate speech among representatives of the public authorities, the problem regarding the functioning and independence of regulatory bodies, but also the judicial system in general. Political discourse in Serbia is burdened with the spirit of intolerance and rhetoric that often contains hate speech. The fact that pro-government media often appear as actors of such rhetoric is worrying, as it points to the readiness of the public authorities to promote a critical dialogue that is the premise of a healthy democratic society. Complete analysis is available at fcjp.ba/analize/Radomir_Zekavica1_Normativni_i_institucionalni_okvir_zabrane_govora_mrznje_u_Republici_Srbiji

Contribution of CSOs and programs in these processes

The project **“Peace building Framework Competence in Youth Work and Non-formal Education in Europe”** is implemented by Educational Center Krusevac in cooperation with 12 partner organizations, supported by [Education, Audiovisual and Culture Executive Agency](#) in the frame of [Erasmus+](#) program. This long-term project involved participants (youth workers and youth leaders) from 13 countries through set of interrelated activities. The main aim of this project was framework competence building which aims to support youth workers/leaders in innovation and creativity in developing peace building education and practice within youth work and non-formal learning in Europe. Within this project have been implemented set of interrelated activities: 3 mobility activities – training course on topics of peace building in youth work, creativity and innovation in peace building and non-formal education as tool for social transformation, web platform (www.actionhub.eu) for sharing and promoting different tools, methods and forms of working on peace building topics in youth context, action week - public activities with young people with the aim to promote, raise awareness and educate their communities on topics of peace and large scale youth event.

“Divided Past – Joint Future” is the project implemented by a consortium of 18 partners (7 IPA beneficiary countries plus Slovenia, Croatia, Austria and Netherland). The overall objective of this project is to have Civil Society Organisations (CSO’s) recognized by governments as an important societal factor with strong capacity to implement peace-building and reconciliation. Project consortium involves CSOs, among which is Educational Center Krusevac, research institutes, foundations, resources centers and Erasmus NAs and 13 associated business partners. Duration of the project is 48 months (2016 – 2019). The leading applicant was Youth Communication Centre Banja Luka and this project is financed by the European Union.

Educational Center Krusevac has also implemented several international training courses in the frame of ERASMUS+ programme and European Youth Foundation of the Council of Europe such as **„Volunteering 4**



Peace“ which aimed to equip 30 young people, volunteer managers who will work with volunteers engaged in peace building and reconciliation processes. TC also addressed Forum Theatre as technique to be used in peace building activities and „**Restart Peace**“ which was Training Course using interactive and creative methods of non-formal education. Training aimed to equip 30 young people with competencies to develop local and/or international projects that promote peace, inter-cultural and inter-religious dialog and are against violence and hate speech. Main theme of the project was an important role of the youth as peace builders and initiators of conflict transformation processes in and between participating countries. **“Youth (Net)Work for Antidiscrimination and Diversity”** is international training course using interactive and creative methods of non-formal education in youth work to address violation of human rights such as racism, xenophobia, discrimination and hate speech. Main theme was important role of youth work to deal and combat discrimination towards youth and violence in them. and it aims is to educate and empower youth workers to develop activities and strategies to address prejudices, discrimination and violence issues, increase level of effective communication and by that raise capacities of their organizations for collaborative work and networking on international level for combat discrimination and promote diversity. **“DiscriminiACTION and Media”** main theme of the project was important role of media in everyday life of youth and presence of discrimination towards youth and violence in them. Project aimed to equip youth workers with knowledge and skills and needed for dealing with discrimination and violence issues, to recognize and act against discrimination, homophobia, hate speech and violence.

Tools and resources available

<i>Local level</i>	
<i>National level</i>	<ul style="list-style-type: none"> • <i>Constitution of the Republic of Serbia: Ustav republike srbije</i> • <i>Law on the Prohibition of Discrimination: Zakon o zabrani diskriminacije</i> • <i>Law on the Protection of Rights and Freedoms of National Minorities Zakon o zastiti prava i sloboda nacionalnih manjina</i> • <i>Law on Organization and Competence of Government Authorities in War Crimes Proceedings Zakon o organizaciji i nadležnosti drzavnih organa u postupku za ratne zlocine</i> • <i>Law on Cooperation between Serbia and Montenegro with the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 Zakon o saradnji srbije i crne gore sa medjunarodnim tribunalom za krivicno g onjenje lica odgovornih za teska krsenja</i> • <i>Law on the Rights of Civilian Invalids of War Zakon o pravima civilnih invalida rata</i> • <i>Law on public information and media Zakon o javnom informisanju i medijima</i> • <i>Criminal code Krivicni-zakonik-2019</i> • <i>Protector of Citizens (Ombudsman of Serbia) ombudsman.org.rs</i> • <i>Commissioner for the Protection of Equality ravnopravnost.gov.rs</i> <p>Non-governmental organization:</p> <ul style="list-style-type: none"> • <i>Humanitarian Law Center hlc-rdc.org</i> • <i>Belgrade Centre for Human Rights bgcentar.org.rs</i> • <i>Lawyers' Committee For Human Rights (YUCOM) en.yucom.org.rs</i> • <i>Youth Initiative for Human Rights (YIHR) yibr.rs/en</i>



<i>Regional level</i>	<ul style="list-style-type: none"> • <i>Regional Youth Cooperation Office (RYCO)</i> rycowb.org • Regional Cooperation Council (RCC) https://www.rcc.int/ • Western Balkans Fund (cross – border and inter – regional cooperation and to the strengthening of regional cohesion) http://westernbalkansfund.org/
<i>European level</i>	<ul style="list-style-type: none"> • Council of Europe https://www.coe.int/en/web/portal/home • No Hate Speech Movement https://www.coe.int/en/web/no-hate-campaign <p>Publications: “We can! Taking action against Hate Speech through Counter and Alternative Narratives” “Bookmarks” “Manual on hate speech” “The EYF & the No Hate Speech Movement campaign” European youth Foundation: https://www.coe.int/en/web/european-youth-foundation</p>



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